(25,809)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1917.

No. 432.

AMERICAN STEEL FOUNDRIES, PETITIONER,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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a In the United States Circuit Court of Appeals for the Seventh Circuit, October Term, A. D. 1913.

No. 2157.

THE TRI-CITY CENTRAL TRADES COUNCIL et al., Appellants,

vs.

AMERICAN STEEL FOUNDRIES, Appellee.

Mr. F. C. Smith, Counsel for Appellants.
Mr. Wm. E. Wheeler, Counsel for Appellee.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

1 *Placita.*

Pleas in the District Court of the United States of America, within and for the Southern Division of the Southern District of Illinois, held in the City of Springfield, in said District, before the Honorable J. Otis Humphrey, Judge of said Court, on Tuesday the ninth day of June in the year of our Lord one thousand nine hundred and fourteen, and of the United States of America, the one hundred and thirty-eighth.

2 Filed May 18, 1914.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich.

Be it remembered that heretofore, to wit: on the 18th day of May in the year of our Lord one thousand nine hundred and fourteen, there was filed in the office of the Clerk of the District Court of the United States for the Southern District of Illinois, a bill of complaint by the complainant herein, praying for a writ of injunction, which said Bill of Complaint was and is in the words and figures, following, to wit:

In the District Court of the United States for the Southern District of Illinois.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich.

Bill for Injunction.

To the Honorable Judge of the District Court of the United States for the Southern District of Illinois, in Chancery Sitting:

Your or-tor, American Steel Foundries, by Wm. E. Wheeler, its solicitor, brings this bill of complaint against the Tri-City Central Trades Council, Earl Galloway, the President thereof and
3 the other officers of said Trades Council whose names and offices are to your orator unknown, Harry McKenny, Ted Ishmann, William Thornberg, C. Thornberg, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, and others whose names are to your orator unknown, and thereupon complains and respectfully represents and alleges as follows:

That your orator is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, and it — a citizen and resident of the State of New Jersey; that it has been for more than five years last past and is now engaged in the business of manufacturing certain steel products for sale upon the market.

Your orator further represents that during said time mentioned in the last paragraph and at the present time it is operating a plant or factory located in the City of Granite City, County of Madison, and State of Illinois; that said plant consists of a number of buildings and structures with machinery therein covering twenty-five acres of ground; that when operating at its full capacity its annual pay roll is in excess of One Million ($1,000,000.00) Dollars, and that the buildings and machinery contained therein are of great value far in excess of Three Thousand ($3,000.00) Dollars.

That said Tri-City Central Trades Council is a secret labor organization with headquarters in the City of Granite City, in the County of Madison, and State of Illinois composed of persons engaged in various pursuits of labor and is in effect a governing council of certain other secret labor organizations existing in the City of Granite City; that said persons composing said organization are citizens of the Sta'e of Illinois and residents of the County of Madison and State of Illinois, but that your orator has been unable to ascertain the names of the persons composing said organization.

Your orator has been unable to ascertain the names of the officers and the offices of such Tri-City Central Trades Council by reason of

its secret nature, but is informed and believes that one Earl Galloway is the President thereof.

Your orator further represents that said Tri-City Central Trades Council and the members thereof constitute a voluntary organization which is financially irresponsible, and the members of which are financially irresponsible, and that on account of the secret nature of said organization your orator is unable to say how they
4 conduct their business or how orders are transmitted or who constitutes the governing bodies of the same, further than herein set forth.

Your orator further represents that it is unable to ascertain the names of any considerable number of said Tri-City Trades Council on account of the secret nature of the same, but your orator is informed and believes that said Tri-City Central Trades Council has a large number of members.

Your orator further represents that the damage to it resulting from the wrongful acts of the defendants herein, hereinafter referred to, greatly exceed the sum of $3,000.00 exclusive of interest and costs, and that the damages that will result to it in the said wrongful acts are continued will greatly exceed the sum and value of $3,000.00, exclusive of interest and costs.

Your orator further represents that it is now engaged in the manufacture of certain steel products upon contracts heretofore entered into for the furnishing of such supplies called for in said contracts and that an inability to operate its said plant and fulfill said contracts would entail great loss to your orator far in excess of $3,000.00; that your orator further represents that prior to April 6th, 1914 the said plant of your orator at Granite City temporarily suspended operations for business reasons and that on said 6th day of April, the said plant of your orator again resumed operations and began work operating its plant to about one-fourth its capacity, and then and there having in its employ approximately 350 men, that of such men so employed there were approximately 150 men commonly known as skilled laborers.

Your orator further represents that upon the resumption at the work at its said plant on the 6th day of April, 1914 that your orator reduced the scale of wages that it had formerly been paying to certain of its employees; that such reduction met with violent opposition from the said Tri-City Central Trades Council, its officers thereof, the defendants, and the other defendants herein named and other unknown persons; that upon the resumption of operations at said time many workmen applied for work at the said plant of your orator, and that at that time and continuously up to the present time workmen in each and every department of your orator's said plant are ready and willing and contented to work therein at your orator's said plant upon terms satisfactory to them and to your orator, provided said workmen are not interfered with by the defendants
5 herein named; that such workmen who are so ready, willing and contented to work for your orator as aforesaid far exceed in number the places and positions which your orator has open for such workmen.

Your orator further represents that the said defendants have com-

bined and conspired to prevent your orator from employing skilled laborers at its plant, although such skilled laborers and your orator have agreed upon terms of employment that are mutually agreeable and satisfactory; that in carrying out such combination and conspiracy the defendants began picketing the said plant of your orator on or about April the 23rd, 1914; that the said defendants on April 23rd and since that time have caused various number of men or pickets, to-wit: five to thirty men to be stationed adjacent to the main gate of your orator's said plant, which said pickets from that day until the present time have threatened to assault, mistreat and injure various of the employees of your orator unless said employees ceased from their work; that said defendants so combining as aforesaid did on April 29th, 1914 cause two of your orator's employees to be assaulted by said pickets, one of whom was knocked down and kicked by said pickets and is now afraid to work at the said plant of your orator; that the other of said employes was assaulted by being struck and bruised about the head and was rendered insensible and that said defendants, through said pickets, threatened to kill said employee if he continued to work at the said plant of your orator; that on the 8th day of May, 1914 another employee of your orator at said plant was assaulted by certain of said pickets; that on the 13th of May, 1914 the said defendants, in combination as aforesaid, caused a gang of men in excess of fifty in number to assault nine of the employees of your orator as the said employees were leaving work from the said plant of your orator; that each and every of the employees so assaulted were satisfied and contented with their said employment and with your orator, and that no dispute of any kind existed between said employees and your orator.

Your orator further represents that the said Tri-City Central Trades Council has caused to be circulated generally throughout the said City of Granite City hand bills and posters ordering all labor to stay away from the said plant of your orator.

Your orator further represents that as a result of said picketing, the circulation of said hand bills and posters, the assaulting of
6 your orator's employees as aforesaid, the said defendants have caused it to be publicly known in said City of Granite City and the surrounding neighborhood that men seeking employment from your orator will be assaulted and seriously injured if they accept employment from your orator; that as a result thereof a number of employees of your orator, to-wit: fifteen men were afraid to leave the plant of your orator for fear of personal violence on the 14th day of May, 1914 and staid within said plant during said night, although there were no sleeping accommodations for them.

Your orator further represents that each and every of the employees now in the employ of your orator are now in fear of receiving great bodily harm from the said defendants on account of the said threats and the acts of violence aforesaid, and your orator will be unable to employ other persons to work for it and will be unable to operate its said plant.

Your orator further represents that the said defendants combining and conspiring as aforesaid, induced and caused irresponsible men whose names to your orator are unknown to come from the State of

Missouri and picket said plant and engage in said violence, and that most of said men so coming from the State of Missouri after committing assaults on the employees of your orator immediately thereafter left the State of Illinois, and other men were thereupon caused to come from the State of Missouri to the vicinity of the said plant of your orator by the said defendants, to likewise take part in intimidation and threats and acts of violence towards the said employees of your said orator.

Your orator further represents that the defendants above named also conspiring as aforesaid, have caused or induced certain other men from the State of Missouri to come to the vicinity of the said plant of your orator and to take part in threats and intimidation of the said employees of your orator, which said last mentioned men from the State of Missouri are frequently about and in the vicinity of the plant of your orator, that the names of all of said last mentioned men from Missouri are not know known to your orator, but upon injuiry your orator is informed that the names of some of them are as follows:

Benj. F. Lamb, who represents himself to be a business agent of a certain Machinist's Union of St. Louis, J. P. McDonough, who represents himself to be President of a certain St. Louis Trades
7 Council, C. E. Gerlich and Tom Churchill which said parties are also hereby made parties defendants to this bill.

Your orator further represents that if the said defendants and each of them are and is allowed to continue with their said threats, intimidations and acts of violence that your orator will be unable to operate its said plant and to fulfill its contracts and that your orator will thereby suffer great and irreparable damage.

Your orator further represents that the said defendants have caused threats to be circulated, and which threats have been carried to your orator that if the said defendants did not accomplish their purpose by intimidation and acts of violence towards the employees of your orator that the said defendants would cause the said plant of your orator at Granite City to be destroyed or burned, and that your orator has reasons to fear and does fear that unless the said defendants and each of them are restrained by the order of this Honorable Court that said defendants will attempt to carry their said threats into execution.

Your orator further represents that they have every reason to fear and do fear that in the immediate future further acts of violence towards your orator's employees and acts of violence and destruction towards your orator's property will be committed unless restrained by this Court.

Your orator further represents that it would not at this time and will not in the future have any difficulty in obtaining able, willing, satisfied and competent men to fill each and every position in its said plant upon terms mutually agreeable to the said employees and to your orator if it would not be for the said acts, threats, intimidations and violence heretofore mentioned of the defendants.

Your orator further represents that it has good reason to believe and does believe, and so charges the fact to be that unless the de-

fendants herein named are restrained and enjoined by the order and injunction of this Court, they will continue to attempt and will succeed in inducing and compelling the said employees of your orator who are now at work at its plant, to quit working, and those other workmen who contemplate working in said plant thereafter, to refuse to work.

Your orator further represents that each and every of the defendants herein named are insolvent and irresponsible and that your orator has no adequate remedy at law for the wrongs
8 and injuries which the defendants herein named are committing, attempting to commit and are threatening to commit and do to your orator, and its said business, and that your orator is without relief in the premises unless this Honorable Court will grant the injunction herein prayed for.

Your orator further represents that on account of the secret nature of the said Tri-City Central Trades Council and your orator's inability to learn the names of its officers and members and the agents and persons aiding and abetting its members and the agents and persons aiding and abetting the defendants in the wrongful acts in this bill alleged, that on account of the serious loss to your orator in its inability to operate its said plant and fulfill said contracts and on account of the grave dangers of the destruction of the property of your orator, and on account of the other matters and things in this bill set forth, immediate and irreparable loss and damage will result to your orator before the defendants herein named or any considerable number of them can be srved with notice, and before this matter can be heard on notice.

Forasmuch, Therefore, as your orator is without remedy in the premises, except in a Court of Equity, where such matters are remedial your orator prays that the said Tri-City Central Trades Council, its officers and agents, Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, and all other persons who have aided, abetted and assisted in any of the wrongful acts and things herein set forth, are hereby made party defendants to this, your orator's bill of complaint, may be required to make full and direct answer to the same, but not under oath, the answer under oath being hereby expressly waived, and that a preliminary restraining order may be issued by this Court, without notice restraining and enjoining the said defendants and each of them and all persons combining with, acting in concert with or under their direction, control or advice, or under the direction, control or advice of any of them and all persons whomsoever during the pendency of said motion, and until the further order of this court be ordered and directed by this Court to absolutely desist, and restrain from in any way or manner whatsoever by use of threats, or personal injury intimidation, suggestion of dangers or threats or violence of any kind, from interfering with, hindering, ob-
9 structing of stopping, any person engaged in the employ of the American Steel Foundries in connection with its busi-

ness or its foundry in the City of Granite City, County of Madison, State of Illinois, or elsewhere, and from interfering by violence or threats of violence in any manner with any person, desiring to be employed by said American Steel Foundries in its said foundry or plant, and from inducing or attempting to compel or induce by threats, intimidation, force or violence or putting in fear or suggestions of danger any of the employees of the American Steel Foundries or persons seeking employment with it so as to cause them to refuse to perform any of their duties as employees of the American Steel Foundries, and that they absolutely desist and refrain from preventing any person by threats intimidation, force or violence, or suggestion of danger or violence, from entering into the employ of said American Steel Foundries, and that they desist, and refrain from protecting, aiding or assisting, any person, or persons in committing any of said acts, or from assembling, loitering or congregating about or in proximity of the said plant or factory of the American Steel Foundries for the purpose of doing, or aiding or encouraging others in doing any of the said unlawful or forbidden acts or things, and that they desist and refrain from doing any acts or things whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct, or interfere with said American Steel Foundries, its officers, Agents or employees, in the free and unrestrained control and operation of its plant, foundry and property and the operation of its business, and also from ordering, directing, aiding, assisting or in any manner abetting any person committing any or either of the acts aforesaid, and also from entering upon the grounds, foundry or premises of the American Steel Foundries without first obtaining its consent, and from injuring or destroying any of the property of the said American Steel Foundries, and that the court will order that such temporary restraining order when so issued, be in full force and effect until such time as the motion of your orator for a temporary injunction herein may be disposed of by the Court; that your Honor will fix a time and place within the next few days for a hearing upon your orator's motion for a temporary injunction, restraining and enjoining the defendants and each of them from doing any and all of the matters and things herein asked to be included in said temporary restraining order until the final hearing hereof, and that upon said hearing that the Court will grant such motion for said temporary injunction as aforesaid, and that upon a final hearing of this cause the court will order and decree that the said defendants and each of them, be forever enjoined from doing any and all of the matters and things which has prayed for herein that the temporary restraining order be issued by this court to enjoin and prevent them from doing.

Your orator further prays that the said temporary restraining order, the said temporary injunction and the said permanent injunction, and each of them, shall be in full force and binding upon each of the defendants, and upon all other persons from and after service upon them of a copy of the restraining order, temporary injunction or final injunction of this Court, or after a copy

of such restraining order, temporary injunction or final injunction may be read to them and the same and each of them may be binding upon the defendants whose names are herein alleged to be unknown from and after the time that notice thereof is given by granting printed, written or partly written and partly printed copies of said restraining order, temporary injunction or permanent injunction at or near the said plant of the American Steel Foundries, and that your orator may have such other and further relief in the premises as equity may require and to your Honor shall seem meet.

May It Please Your Honor to grant the writ of subp*onea* in Chancery, directed to the Marshal of the Southern District of Illinois commanding and directing him that he summons all of the said defendants above named to appear and answer the said bill in accordance with the rules of this Court.

AMERICAN STEEL FOUNDRIES,
By A. WALCHER.

WM. E. WHEELER,
Solicitor for Complainant.

I, A. Walcher, being first duly sworn on his oath deposes and says that he is the Work's Manager of the plant of the American Steel Foundries at Granite City, Illinois, that as such Work's Manager he has charge and control of said plant as its head local officer; that he is authorized to and does make this affidavit for and on behalf of said American Steel Foundries; that he is fully familiar with all the business of said plant; that he has read the fore-
11 going bill of complaint and knows the contents thereof and that the same is true of his own knowledge.

A. WALCHER.

Subscribed and sworn to before me this 18 day of May, A. D. 1914.

R. C. BROWN,
[SEAL] *Clerk U. S. Dist. Court.*

Indorsed: Filed May 18, 1913, R. C. Brown, Clerk.

Motion for Restraining Order.

Filed May 18, 1914.

And afterwards, to wit: on the 18th day of May, A. D. 1914, there was filed in the office of the Clerk of this Court a certain Motion for Restraining Order, which said Motion was and is in the words and figures, following, to wit:

In the District Court of the United States for the Southern District of Illinois.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich.

Bill for Injunction.

And now comes the American Steel Foundries, complainant, herein, by Wm. E. Wheeler, its solicitor, and moves the Court to grant unto the complainant a temporary writ of injunction as prayed for in the bill of complaint filed in the above entitled cause.

WM. E. WHEELER,
Solicitor for Complainant.

(Indorsed:) Filed May 18, 1914, R. C. Brown, Clerk.

Order of May 14, 1914.

12 And afterwards, to wit: on the 18th day of May A. D., 1914, the following further proceedings were had in said cause and were entered of record to wit:

MONDAY, May 18th, 1914.

Court met pursuant to adjournment.
Present, the Honorable J. Otis Humphrey, Judge.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, et als.,

Bill for Injunction.

It is ordered that the hearing upon complainant's motion for a temporary writ of injunction herein, be and the same is hereby fixed for ten o'clock A. M. on the 28th day of May, A. D. 1914, in the United States District Court Room in the City of Springfield, Illinois.

Let a Writ of subpœna in chancery as prayed issue, *a* returnable (20) twenty days after date.

And afterwards, to wit: on the 18th day of May, A. D. 1914, the following further proceedings were had in said Court in said cause and were entered of record to wit:—

13 *Restraining Order of May 18, 1914.*

UNITED STATES OF AMERICA,
Southern District of Illinois:

In the United States District Court for the Southern District of Illinois.

MONDAY, May 18th, 1914.

Court met pursuant to adjournment.
Present, the Honorable J. Otis Humphrey, Judge.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich.

Bill for Injunction.

Whereas, A bill of complaint in the above entitled cause asking for an injunction and for other relief, has been duly filed and a motion for the issuance of a preliminary writ of injunction in the above entitled cause has been filed and a date for a hearing on the same has been fixed by the Court, and a motion has been filed in the above entitled cause asking that a temporary restraining order be granted to the complainant in said bill of complaint without notice to the defendants, and the Court having examined the said bill of complaint and the affidavits attached thereto, and it appearing to the Court that immediate and irreparable loss or damages will result to the applicants before the matter of the issuance of such restraining order can be heard on notice, and it appearing to the Court that a proper case is made for the issuance without notice of a temporary restraining order against the defendants in said bill of complaint, pending the hearing of the motion for said temporary injunction.

It is Ordered by the Court that the defendants in said bill of complaint, Tri-City Central Trades Council, its officers and
14 agents and Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay

Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich and each of you and all persons combining with, acting in concert with or under their direction, control or advice, or under the direction, control or advice of any of them and all persons whomsoever during the pendency of said motion, and until the further order of this Court be ordered and directed by this Court to absolutely desist and restrain from in any way or manner whatsoever by use of threats, or personal injury intimidation, suggestion of danger or threats or violence of any kind, from interfering with, hindering, obstructing or stopping, any person engaged in the employ of the American Steel Foundries in connection with its business or its foundry in the City of Granite City, County of Madison, State of Illinois, or elsewhere, and from interfering by violence or threats of violence in any manner with any person desiring to be employed by said American Steel Foundries in its said foundry or plant, and from inducing or attempting to compel or induce by threats, intimidation, force or violence of putting in fear or suggestion of danger any of the employees of the American Steel Foundries or persons seeking employment with it so as to cause them to refuse to perform any of their duties as employees of the American Steel Foundries, and that they absolutely desist and refrain from preventing any person by threats, intimidation, force or violence, or suggestion of danger or violence, from entering into the employ of said American Steel Foundries, and that they desist and refrain from protecting, aiding or assisting any person, or persons in committing any of said acts, or from assembling, loitering or congregating about or in proximity of the said plant or factory of the American Steel Foundries for the purpose of doing, or aiding or encouraging others in doing, any of the said unlawful or forbidden acts or things, and that they desist and refrain from doing any acts or things whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct, or interfere with said American Steel Foundries, its officers, agents or employees, in the free and unrestrained control and operation of its plant, foundry and property and the operation of its business, and also from ordering, directing, aiding, assisting or in any manner abetting any person committing any or either of the acts aforesaid, and also from entering upon the grounds, foundry, or premises of the American Steel Foundries without first obtaining its consent, and from injuring or destroying any of the property of the said American Steel Foundries.

It Is Further Ordered that this restraining order shall be in full force and effect until such time as the said motion for preliminary injunction has been decided by the Court and until the further order of this Court.

It Is Further Ordered that this restraining order shall be binding upon each and all of the above mentioned parties and upon all other persons from and after the time that notice thereof is given by posting printed, written, or partly written and partly printed copies of

said restraining order, at or near the said plant of the American Steel Foundries in Granite City, Illinois.

J. O. HUMPHREY,
Judge, United States District Court of the Southern District of Illinois.

Chancery Subpœna, Issued May 18, 1914.

And afterwards, to wit: on the 18th day of May A. D. 1914, there was issued out of the office of the Clerk of this Court a Certain Chancery Subpœna, which said Chancery Subpœna, was and is in the words and figures, following, to wit:

UNITED STATES OF AMERICA,
Southern District of Illinois, Southern Division, ss:

The United States of America, To The Tri-City Central Trades Council, Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlish, Greeting:

We Command You And Every Of You, That you appear before our Judge of our District Court of the United States of America, for the Southern District of Illinois, at Springfield, in said District, on the 8th day of June, A. D. 1914, at 9 o'clock A. M., to answer the Complainant's bill for injunction of American Steel Foundries, this day filed in the office of the Clerk of said Court in the City of Springfield, then and there to receive and to abide by such judg-
16 ment and decree as shall then or thereafter be made, upon pain of judgment being pronounced against you by default.

To The Marshal Of The Southern District Of Illinois To Execute.

Witness, the Honorable J. Otis Humphrey, Judge of the District Court of the United States for the Southern District of Illinois, at Springfield, aforesaid, this 18th day of May in the year of our Lord one thousand nine hundred and fourteen, and of our Independence the 138th year.

[L. S.] R. C. BROWN,
Clerk.

Clerk's Memorandum.

Memorandum.

The above named defendants are notified that unless they and each of them shall file their answer or other defense in the office of the Clerk of said Court, at Springfield, aforesaid, on or before the 20th day after service of this process, excluding the day of such service, the bill of complaint filed herein will be taken against them as confessed, and a decree entered accordingly.

R. C. BROWN,
Clerk.

(over)

Notice.

DISTRICT COURT OF THE UNITED STATES OF AMERICA,
Southern District of Illinois, ss:

In Chancery.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL et als.,

To the Tri-City Central Trades Council, Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich:

Take notice that the complainant will move this Honorable Court, on the 28th day of May, A. D. 1914, or as soon thereafter as counsel can be heard, that a writ of injunction issue against the
17 within and above named defendant in accordance with the prayer of the bill therein.

Yours, etc.,

WM. E. WHEELER,
Complainant's Solicitor.

Dated this 18th day of May, A. D. 1914.

Marshal's Return.

UNITED STATES OF AMERICA,
Southern District of Illinois,
Southern Division, ss:

I have duly executed the within writ by reading the same, and delivering a true copy thereof to Ted Ishman and Isaac Cook, at Granite City Madison County, Illinois, on May 18, 1914 and by reading the same, and delivering a true copy thereof, to Harry McKenny, C. E. Gerlich, Earl Galloway, as an individual, and Earl Galloway as President of the Tri-City Central Trades Council, at Granite City, Madison County, Illinois, this nineteenth day of May, A. D. 1914.

The other Defendants named therein not being found in this District.

W. H. BEHRENS,
U. S. Marshal.

Marshal's fees: $12.00.
Paid, by A. Walscher, May 18, 1914.

Indorsed: Chancery Subpoena, Filed May 23, 1914. R. C. Brown, Clerk.

And afterwards, to wit on the 29th day of May, A. D. 1914, the following further proceedings were had in said court in said cause and were entered of record, to wit:

18 *Order of May 29, 1914.*

FRIDAY, May 29th, 1914.

Court met pursuant to adjournment.
Present, the Honorable J. Otis Humphrey, Judge.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY McKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich.

Bill for Injunction.

And now on this 29th day of May, A. D., 1914, comes the complainant by Wm. E. Wheeler, Esq., its solicitor and comes also the defendants herein, by James Smith, Esq., their solicitor and by agreement of the parties by their said counsel, the matter is continued to June 8th, 1914, at which time the said cause will be heard on the testimony of witnesses on behalf of the parties during which time the Restraining Order entered in this cause on May 18th, 1914, shall be in full force.

And afterwards, to wit: on the 4th day of June A. D., 1914, there was filed in the office of the Clerk of this Court, a certain Answer of defendants, which said Answer was and is in the words and figures, following, to wit:—

Filed June 4, 1914.

19 In the District Court of the United States, Southern District of Illinois,—Term, 1914.

AMERICAN STEEL FOUNDRIES, Complainant,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, Defendants.

Bill for Injunction.

Answer of Defendant.

The Answer of the Tri-City Central Trades Council, Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. B. McDonough and C. E. Gerlich, defendants, to the bill of complaint of the American Steel Foundries, complainant.

These defendants, now and at all times hereafter saving and reserving unto it, and themselves, all benefits and advantages of the exception which can or may be had, or taken to the many errors, uncertainties, and other imperfections in the said bill contained for answer thereunto, or to so much, and such parts thereof, as these defendants are advised, it is material or necessary for them to make answer unto, answering says: Does not admit nor deny that the plaintiff herein is a corporation organized under the laws of the state of New Jersey; Does not admit nor deny, that it was, or is now a citizen of the State of New Jersey; Admits that for sometime past it has operated a plant, or factory, located in the city of Granite City, County of Madison, state of Illinois; Admits that the building and structures cover a number of acres of ground, the number of acres, these defendants do not know; Admits that the complainants' pay-roll per annum when working full capacity will probably exceed $1,000,000; Denies that the damage done to complain-
20 ant's plant by wrongful acts on the part of these defendants, or either of them, exceed the sum of $3,000; on the contrary, the complainant has sustained no damage whatsoever by reason of any wrongful act done by these defendants; These defendants admit that the Tri-City Central Trades Council, with headquarters in Granite City, is a Labor Organization, composed of representatives of various trades and avocations, but deny that such organization is a secret Labor organization: Denies that it is a governing Council for other secret organizations for no organization by it represented is

secret; that the meetings of such Tri-City Central Trades Council are open, and the minutes, or proceedings, are printed and promulgated, as are also the names of the officers, of such council; that said Central Trades Council has neither password, signs, or grips; Denies that such Trade Council, or the members who constitute it, are financially irresponsible; Admits that the said Central Trades Council represent a large number of members, that such Trade Council itself is composed of, not to exceed six, representatives of the various labor organizations—viz; Thirty-seven within the said Tri-Cities; That while representing thirty-seven different trades and callings, it has for its object, "The protection of the laboring masses, to shorten the hours of labor, the payment by employers the full current wages and to settle all disputes between employee and employer with reference to wages, etc., by arbitration instead of strikes."; Admits that Earl Galloway is the President of such Central Trades; Admits that Benj. F. Lamb is the business Agent of the Machinist Union; Admits that the other defendants herein named are representatives of other labor Unions; Denies that these defendants have committed any wrongful act, or acts, or that any damage resulted to complainant from the wrongful act, or acts, of the defendants, or either of them; Deny that they, or either of them, ever contemplated doing any wrongful act; Admit that complainant is engaged in manufacturing certain steel products, but these defendants deny that the inability to operate such plant or manufacture said steel products is because of any wrongful act on their part; Admits that on or about November 1913, complainant suspended the operation of said plant, why such plant suspended, these defendants do not know, but they do know that it was not because of anything these defendants did, or did not do; admits that on or about the 6th of April, 1914, the said
21 plant resumed operations, but just how many men were employed, these defendants neither admit nor deny; admits that on or about April 6, 1914, the complainant reduced the scale of wages; that such reduction amounted to from two cents to nine cents an hour, and included all classes of labor in such plant, except one or two trades; Admits that the said Tri-City Central Trades Council, at the request of those affected, did oppose such reduction of wages, and endeavored to have such matter adjusted by arbitration, which complainant—through its officers and agents—refused; These defendants do not admit nor deny what is said with reference to certain other workmen having applied at the said plant to take employment at such reduced wages. These defendants deny that they, or either of them, in any way interfered with such other workmen; Denies that they combined and conspired to prevent complainant from employing skilled labor at said plant; Admits that said Tri-City Central Trades Council did place certain ones on certain streets and Avenues leading to said plant charged with doing picket duty, but such ones were stationed 100 yards from such mill, and they were instructed to notify all persons, who sought to enter the plant, that there was a strike on, because of such reduction in wages, and such pickets were instructed to use all honorable means to persuade such ones to not enter such plant, and to not take the places of the

laboring men, who had gone on a strike on account of such reduction of wages; Denies that such pickets threatened assault or injury to any one seeking to enter such plant; Denies that they, or either of them, assaulted two of complainant's employees on, or about April 29, 1914. Admits that a controversy did take place about that date between a strike breaker and some persons, not connected with such Tri-City Central Trades Council, about two blocks from such plants; Denies that they, or either of them, knocked down, or kicked any person, or persons on such dates, or upon any other day or dates; Denies that they, or either of them, struck any such persons about the head, or rendered such one insensible; or that they, or either of them, threatened to kill said person, or persons, Denies that on the 8th day of May, 1914 that they, or either of them, assaulted any such party; Admits that on or about that date there was some kind of a mix up between a strike breaker and some outside parties near the Big Four Depot, which was about five blocks from the plant of complainant; but with such mix up these de-
22 fendants had nothing to do; Denies that on the 13th day of May, 1914, that they, or either of them, combined, and caused a gang of fifty in number to assault nine of the employees of the complainant; admits there was some kind of a scrap between some of the strike breakers and some parties not connected with said Tri-City Central Trades, about two blocks from such plant, in which it is said a strike breaker pulled a gun and fired; and another strike breaker pulled a knife and severely cut a bystander, but the defendants had no part therein; Does not admit nor deny, the allegations with reference to said employees who took the places of the strikers, being satisfied, or contented, with their said employment; These defendants further deny that the said, Tri-City Central Trades Council has caused the circulation throughout the City of Granite City bills and posters ordering all laboring men away from said plant of complainant through fear of bodily injury or otherwise; Denies that they have caused it to be known throughout the surrounding neighborhood that men applying for work will be assaulted; Denies that they, or either of them have threatened to assault, or injure any person accepting employment with the complainant; if such threats were made, it was by persons in Granite City, other than these defendants, or those connected directly or indirectly with the said, Tri-City Central Trades Council, and if any personal violence was used against any of such persons, it was by the said outside parties; These defendants neither admit nor deny the allegations with reference to certain ones being in fear of receiving great bodily harm, but these defendants have given them no reason therefor; Denies that these defendants combined and conspired to bring irresponsible men from Missouri to picket said plant, and engage in violence, or to intimidate such strike breakers; that the only persons coming from Missouri were officers or representatives, of the various labor organizations, and these are responsible parties and law abiding people. These defendants deny that they, or either of them, at any time, or at any place, made threats of

violence toward the employees of the complainant—those who took the places of the strikers—or made the statement that they would cause the said plant of complainant to be destroyed, or burned; these defendants neither admit, nor deny, the statement of complainant, with reference to being able to procure a sufficient number of men to fill each and every position in the said plant, but do deny,
23 that they, or either of them, have by any act, threat, or intimidation said, or done anything, to keep such employees from entering such plant, except that they have endeavored by counsel and advice to prevent such persons from entering such plant, to take the places of the men who ceased to work because of such reduction of wages; And these delegated to discharge this duty were stationed 250 feet from such plant; Denies that these defendants are insolvent, or irresponsible; Denies that the said Tri-City Central Trades Council conducts its business in a secret manner, or that it is impossible to learn the names of the officers; on the contrary, the said meetings are open, and the names of the officers, as well as the proceedings are published. Denies that there is any danger of serious loss to complainant or that there is any danger of destruction to plaintiff's property, or that the defendants, or either of them will do an unlawful act; And these defendants deny all and all manner of unlawful combination and confederacy wherewith they, or either of them, are by said bill charged without this, that any other matter, cause or thing in the complainant's said bill of complaint contained, material or necessary for these defendants, or either of them, to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed and avoided or denied is true to the knowledge or belief of these defendants; all *if* which matters and things these defendants are ready and willing to aver, maintain and prove, as this honorable court shall direct; and pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

F. C. SMITH,
Sol. for Defendants.

Indorsed: Answer of Defendants, Filed Jun- 4, 1914, R. C. Brown, Clerk.

And afterwards, to wit: on the 4th day of June, A. D., 1914, there was filed in the office of the Clerk of this Court a certain Replication to answer of defendants, which said Replication was and is in the words and figures, following, to wit:

24 In the District Court of the United States for the Southern District of Illinois.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishman, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich.

Bill for Injunction.

The Replication of the American Steel Foundries to the Answer of the Defendants.

This repliant saving and reserving unto itself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto, says: that it will aver and prove its said bill to be true, certain and sufficient in the law to be answered unto; and that the said answer of the defendant is uncertain, untrue and insufficient to be replied unto by this repliant; without this, that any other matter or thing whatsoever in the said answer contained material, or effectual in law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver and prove, as this honorable court shall direct, and humbly prays as in and by his said bill he has already prayed.

WM. E. WHEELER,
Solicitor for Complainant.

Indorsed: Replication to answer of defendants, Filed Jun- 4, 1914. R. C. Brown, Clerk.

25 *Trial.*

And afterwards, to wit: on the 8th day of June A. D. 1914, the following, further proceedings were had in said Court in said cause and were entered of record to wit:—

MONDAY, June 8th, 1914.

Court met pursuant to adjournment.

Present, the Honorable J. Otis Humphrey, Judge.

No. 12. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL et als.

Bill for Injunction.

And now on this 8th day of June A. D. 1914, comes the complainant in this cause by Wm. E. Wheeler, Esq., its solicitor and comes also the defendants by Frank Smith, Esq., their solicitor and this cause coming on to be heard upon the bill of complaint of complainant, the answer of the defendants, and the Replication of the complainant to said answer, and the Court after hearing a part of the evidence in said cause, the hour for adjournment having arrived, the further consideration thereof is postponed until 10 o'clock A. M. tomorrow.

And afterwards, to wit: on the 4th day of August A. D. 1914, there was filed in the office of the Clerk of this Court a certain Abstract of Evidence, which said abstract of evidence, was and is in the words and figures, following, to wit:—

26 COMPLAINANT'S TESTIMONY.

Testimony of A. Walcher.

A. WALCHER, testified as follows:

I am thirty-five years of age; am the Works Manager of the American Steel Foundries at its Granite City, Illinois plant. The American Steel Foundries is a New Jersey corporation authorized to do business in this State.

When this plant is in full operation we employ about sixteen hundred men; when we resumed work on April 6th, 1914, we employed about three hundred men.

As Works Manager I have complete supervision of the operation of this plant, and I am the head local officer.

On April 24 I made application to the Mayor of Granite City for protection with reference to the matters that are alleged in this bill. That protection was promised me. On about May 4 I made application to the Sheriff of Madison County for protection, the Sheriff

promised to investigate the mat er but we got no further reply from him. Neither the Mayor nor the Sheriff afforded us protection.

The only personal knowledge I have of the acts of the defendants relates to the picketing which started about April 24 and continued until the night of May 18th. I have never seen any of the assaults.

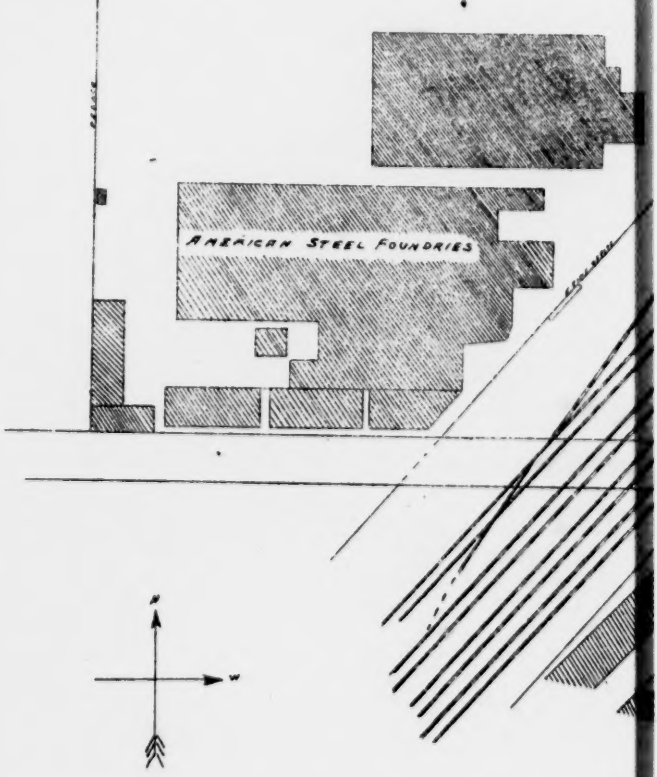
I am familiar with the complainant's Exhibit "A" and with the territory represented by it. It is substantially correct. The shaded portions represent the buildings within the property. The lines marked "Fence" represent the fence surrounding our property. The fence along the south side of the property is co-incident with the north street line. The parallel lines between the Wabash Depot and the southwest line of the plant represent the main line tracks of the Wabash, Chicago and Alton, Big Four, C. P. & St. L. and the switching line of the St. Louis Merchants Bridge Terminal. Neideringhaus Avenue terminates at the tracks and from there eastwardly is known as Pacific Avenue. (Exhibit A, introduced in evidence.)

(Here follows diagram marked p. 27).

No. 432.

American Steel Foundries
v.
The Mississippi City Central Trades Council et al.

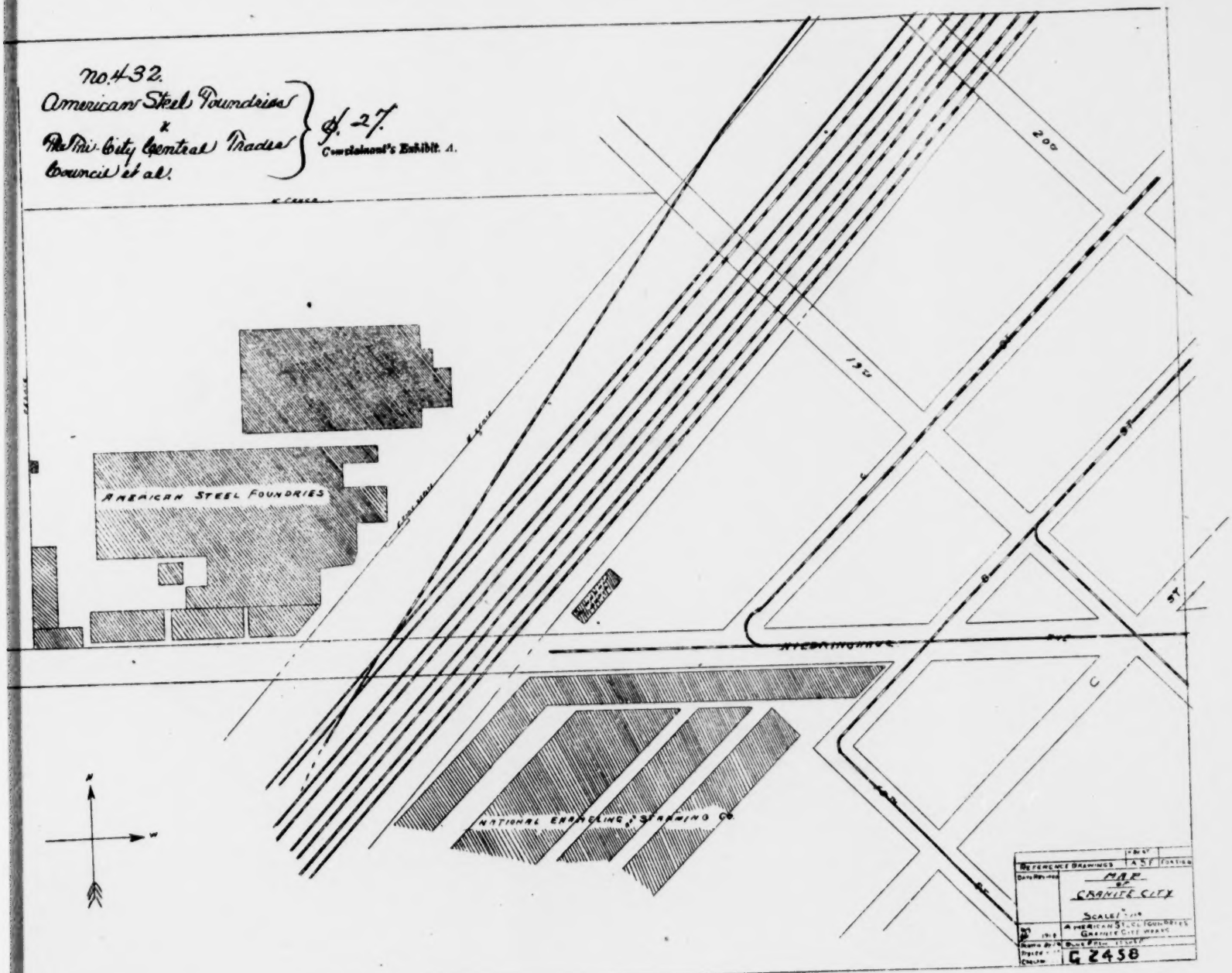
Complainant's Exhibit No. 27.



No. 432.

American Steel Foundries
x
The Granite City Central Trades Council et al.

Ct. 27.
Complainant's Exhibit A.



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28 & 29 The distance from the timekeeper's office to the Wabash Depot is approximately one hundred fifty yards.

The defendant's that I have seen picketing the plant are Ted Ishman, Isaac Cook, Harry McKenny, Tom Churchill, Clay Holmes, Eddie Roach, Beni. F. Lamb and C. E. Gerlich. These men were

TURN PAGE

[illegible] sorary quarters as we fitted up about the lat-er part of April. These consisted of about one dozen cots and blankets placed in the testing laboratory plant. Men slept in the plant from the the first of May until the 16th or 18th of May. These varied in number from three to four men up to as high as twenty-eight.

I am familiar in a general way with the employment of the men at the plant. We have an Employment officer under my charge and supervision who employes the labor. Prior to the calling of the strike we had no trouble in securing labor at the plant. The plant was opened on April 6th, after a shut down on November 26th, 1913 on a 25% basis of its rated capacity. We began hiring a few men about April 1 in order to be ready to open on April 6th, and we experienced absolutely no difficulty whatever in hiring all the labor we wanted. There has been an abundant supply of labor and is at this time, owing to the general business depression throughout our line in the country.

If we were to suddenly shut down, owing to the nature of our business, our losses might be very heavy. We operate open
30 hearth furnaces for the production of steel. These furnaces must be maintained at a certain temperature and if they were shut down they would be very apt to fall in. The damage as the result of one of our furnaces falling in may be anywhere from $3,000 to $4,000 and may be $5,000. Aside from the furnaces if we were shut down flat for a month our loss would be in the neighborhood of $15,000, and a shut down for a week would be in the same proportion.

I have seen Complainant's Exhibit "B" before and have seen other copies of it posted about the plant, particularly around the Wabash Depot and principal streets leading to the plant. I do not know who posted them.

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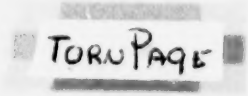
Complainant's Exhibit "B" introduced in evidence which is as follows:

COMPLAINANT'S EXHIBIT B.



At no time between April 1, 1914 and the time the restraining order was issued was either the defendants, McKenny, Galloway, Thornberg (William), Holmes, C. Thornberg, Burton, Roach, Aldridge, Lamb, Ishman, McDonough or Gerlich in the employ of the American Steel Foundries. The defendants Cook and Churchill were the only ones in our employ during that time. They left our employ about April 22nd without having any talk with me.

As Works Manager threats had been carried to me by third persons from the pickets to the effect that if this strike was not settled they would resort to burning out the plant and destroy the property, if necessary, in order to accomplish their end.

31 Cross-examination:

From November to April all the furnaces had been shut down. When we closed down in November we had 1,600 men employed. These furnaces were destroyed because they were shut down. A furnace is almost invariably destroyed every time it is shut down. When we started up we used only one furnace and that had to be rebuilt. It was re-built in anticipation of our requiring it, and on account of the shut down. A new furnace does not deteriorate. If it is in good condition you would not have to rebuild it. The one we light up we had to re-build, and as we come to the others we will probably find we will have to re-build all of them. We are now at work re-building one of them.

I asked the Mayor of Granite City once for protection. His name is M. E. Kirkpatrick, and about April 28th I forwarded him a written communication requesting protection. I did not see him personally at that time. On May 4 I notified Simon Henry, the Sher-

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iff of Madison County through Mr. W. R. Glasgow, my assistant. I wrote a letter and it was delivered to the Sheriff, in person, by my representative. I asked for protection for our plant and employees, to keep the pickets from assaulting our men. I saw none of the men assaulted. The pickets did not come inside of the fence to my knowledge. At times they were within twenty feet of the plant. They were trying to prevail upon the men from entering the plant. I didn't see all of the defendants acting as pickets; they were seen by others. I didn't see them all personally. I didn't see, or failed to recognize William Thornberg, C. Thornberg, C. L. Burton, John Aldridge, F. P. McDonough. Some mornings I may get to the plant at 6:30 other mornings I may not get there until 10:00. I go in and out of the plant at noon and ordinarily stay there until the plant closes down at night. I saw no assaults committed; I saw no disturbance.

Before we opened up in April we reduced the wages in some departments from 2 to 9 cents an hour, a good half of the departments we did not reduce. The Tri-City Central Trades Council sent a Committee to me to arbitrate the wage question and I refused to arbitrate. On April 20 a delegation of some ten or twelve men came as a Committee from the Tri-City Central Trades Council. Galloway was admitted and stated that he understood wages had been reduced and a Committee had been appointed to confer with
32 the officers of the Company. I asked him if this Committee were our employees at the present time and he replied that he didn't think they were. I told him that it was rather peculiar, I have never heard of any complaint from any of our employees and was very much surprised. I informed Mr. Galloway we could have no dealings with outside Committees; we run an open shop; don't recognize organized labor; merely deal with our employees. Advised Mr. Galloway if any of our men had any complaint to make in regard to wages and working conditions I was willing to listen to them as often as may be necessary. We have run an open shop about the last ten years and have never recognized labor unions and refused to deal with Galloway because he was representing a labor organization. The injunction was applied for on the 18th of May and our refusal to arbitrate was prior to that time probably about April 20th.

We had no place in the plant for the employees to sleep, we put in a dozen cots and one man slept on a cot, and the balance of them slept on floors and benches, wherever they could find a place to lie down.

The plant is losing money right along. There is no claim we have lost money by what the defendants did but we have lost money therefrom. Our machinery has gotten in very bad shape, we have been compelled to employ men to operate various machines which were not as efficient as the men we had there prior to April 22, with the result that a good deal of machinery has been damaged. We had no trouble with our class of men from April 6th to April 22nd but the defendants have scared out our men. Because of picket

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duty the Company has lost money. The defendants have done no direct damage to the plant.

I was told that the statement had been made that the plant was going to be burnt. The plant is of various construction, some combustible and some non-combustible. The framing of the building is wood in a great many cases, and one of the large buildings is an entire wood building.

Redirect examination:

Other men besides the defendants were engaged in picket duty around the plant. These pickets would stand around in groups of eight or ten, two and three groups. Some of these I recognized as machinists, others as workmen that had worked around Granite City at various times, various outsiders.

33 *Testimony of Steven Hafner.*

STEVEN HAFNER, testified as follows:

I am thirty years old and at the present time working at the Granite City plant of the American Steel Foundries running an electric crane. I started to work April 29th. On April the 30th as I came to work to the plant I go down on Neideringhaus Avenue along side of the Wabash Station. I saw Churchill, Gerlich, and Cook on Neideringhaus Avenue that day. They was out on the walk about ten feet away from the track from the station there and jumped in front of me. They didn't say nothing, only Tom Churchill say, "You can't go this way." And I said, "Yes, I can." And he jumped on me and beat me up; I didn't see the two fellows coming behind; Tom Churchill jumped in front of me and stopped me and I didn't see the other two men come at all, and all at once I got hit in the face and all over, and then I went over to the cars; I couldn't hardly stand and braced up in a car; the time I was going over to the cars one fellow his name is McKenny he was going to get after me again and I said I wouldn't go into the plant; I was going back home; I was going to brace up over in the cars. I went home; couldn't go into the shop any more. I was feeling awfully dizzy all day long; still dizzy yet sometime on account of them hitting me. I have seen the picketing. I don't know the names of all the fellows. I saw McKenny, Holmes, Ishman, and Cook that I know.

Cross-examination:

It was about two hundred yards from the plant where I was stopped. They not only spoke to me, they knocked me all over. Churchill, McKenny and Cook spoke to me and they hit me too. Never said anything until I got hit; the first thing they knocked me down. I never saw McKenny and he jumped on me from the back; never noticed anybody coming and jumped on me from the back and as hard as they could. They knocked me all over.

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On a different day another man followed me all the way to Eighteenth Street he, says, "Now we got you." W. J. Hartbeck he said, "Now we have got you"; you are by yourself; we got you, we will fix you." I said, "I ain't doing nothing wrong; all I will do I will do the same thing I did before." They let me go.
34 Patty Hackert was talking to them and he said, "He is all right, don't bother him." He was just going to get me on the side so that nobody could see it and then they were going to give it to me. He didn't hit me. Churchill, McKenny and Cook all hit me, they knocked me down. They hit me in the face; I don't know where they did hit me; couldn't see fast enough how they did come on me then I went between the cars and braced up a little and then I went back home.

I worked at the plant about six years prior to the time it closed down.

Testimony of Frank Hedstrum.

FRANK HEDSTRUM testified as follows:

I am working for the complainant and commenced work April 3, 1914, and was working there on May 8, 1914. I know Ishman and McKenny. On May 8th I saw them on Niedringhaus Avenue by the Wabash Depot. A bunch of about fifteen or twenty of them came in the direction of four or five of us calling us vulgar names and we went on past the Depot on the left hand side of the shop on Niedringhaus Avenue. The men at the Depot followed us and commenced assaulting us. One of them hit me on the hand with a rock. As a result I was in a dazed condition and had to have a Doctor care for my hand. On May 18 Ire Crawford and myself were walking to work about five o'clock in the evening.

(Complainant's Counsel states to the Court that while the restraining order was issued on the morning of this day and this assault occurred at five o'clock, yet complainant did not claim the defendants had notice thereof.)

We were coming down the street when we were intercepted by some men at the corner of 21st and B Streets, about 4½ blocks from the plant. There were about twenty-five men in the bunch. Some man whose name I do not know said, "Don't go in to work." And the next thing I remember I found myself getting up and nobody around except some school children and Crawford. Crawford was getting up from the ground where he was knocked unconscious as well as myself, and this gang of twenty-five men were all gone. I was rendered unconscious by being struck over the head with some blunt instrument. The right side of my face was swollen from being hit with something on the jaw, it was all swollen and
35 sore down to my collar bone. My head was swelled and sore also; there was a knot about the size of a pigeon egg on the side of my head.

On the morning of May 14 I saw Ted Ishman close to the Wabash

LOSE IN CENTER

Depot, he said to me, that we would continue going into work until we got our heads knocked off.

Cross-examination:

I didn't recognize any of the men that hit me. I don't know who assaulted me. I know Ed Dangles was there but I was hit from the rear.

Ishman told me that somebody would get their heads knocked off when I was coming out of the plant from my work.

Redirect examination:

On May the 8th McKenny and Ishman were in the crowd that assaulted me.

Testimony of Ira Crawford.

IRA CRAWFORD testified as follows:

I have been working for the American Steel Foundries about six or seven weeks, running a crane on the night shift. On the morning of May the 8th as I was coming from work I saw a bunch of about twenty men near the Wabash Depot. I recognized Ishman and Dangles in the crowd. The crowd followed us around the depot calling us vile names and the next thing I knew there was a fight come off. They hit us, struck me in the back with something and on the arm, and struck at me at different times.

On May 18 I left the house about a quarter to five o'clock with Hedstrum. The only man that I recognized in that crowd was Dangles. They jumped on to us and beat me up with a club of some kind; hit me on the head; hit me on the back with a brick and I don't know what else. I was knocked unconscious and my head cut open. I don't think I was unconscious long. When I came to I saw men running near C Street towards town. As a result of this assault I couldn't work for two weeks and was treated by a Doctor. My face was cut and my head cut and bruised. My left arm was so I couldn't use it and it still bothers me.

36 I saw McKenny on May 6th. He stated to me as near as I can remember, "You will get your damned head beat off, or something of the kind if I kept on going in there."

On May the 9th Ted Ishman came out from the Wabash Depot and said to me, "If you fellows keep on going there you will get your head beat off."

Cross-examination:

In the fight on May the 8th the only two I recognized in the crowd was Ishman and Dangles. I don't know who struck me. I saw the fighting and saw Ishman and Dangles fighting.

In the fight on May the 18th the only one I recognized was Dangles.

Testimony of W. C. Quinn.

W. C. QUINN testified as follows:

I have been working for the American Steel Foundries since the first of May. I know Ted Ishman, Tom Churchill, and Benj. F. Lamb.

When I finished my day's work on the night of May the 13th I and eight others left the plant about eight minutes to six and walked out Neideringhaus Avenue across the track and past the depot. We passed Ted Ishman and Galloway at the depot with four or five other fellows, and they said, "There they go," and at the same time Galloway drops his hand and we walked up the street. We walked up the street two or three hundred feet and a gang of men about sixty-five or seventy of them came around the corner from behind a brick pile. From the other side of the street was about a likewise number; at the head of the bunch on this side of the street was Hartbeck, and just as we got from about twenty feet from the street car track this fellow hit Kelly in the face and at the same time he says, "There you scabbing s—— of b———; don't let him get away from you;" and tried to cut across the field and they Shillalahed me with bricks and likewise the rest of them. The bunch that was at the station came from behind. I was struck by these brick bats in too numerous places to mention. I was struck mainly on the back and on the side of the left temple, and on the right jaw, also on the arms. I was knocked unconscious for about fifteen or twenty minutes and
37 when I regained consciousness all of these men had disappeared. As a result of this I couldn't perform my duties for the next week and have had a continuous headache ever since. I was never troubled with headaches before.

On May the 6th I saw Ted Ishman on the corner of Eighteenth Street and he told me if we continued to work down there we would get hurt. He said there wouldn't be any of us go in there the following Monday if they had to kill us all. I started sleeping in the plant on the night of the 14th and have slept there up until last Monday. I slept on a board the first couple of nights and then on a cot. I slept in the plant because I didn't like to battle my way through all the time. I was followed continually across the river and on this side of the river too. On one occasion I was followed by a man whose name I do not know and I caught six different street cars trying to escape and finally I caught a Taxicab and got away from him. On the following day I met this same fellow and two others on the corner of fifteenth and Chestnut Streets in St. Louis. This fellow came in front of me and two fellows behind me and just as he got to me he said, "This is the scabbing b——d" and struck at me, and the two fellows from behind rushed up at me and I had to defend myself and I knocked one man down and got the other fellow down, and the other fellow ran.

Cross-examination:

I did live in St. Louis, I am now boarding in Granite City. In the fight on May the 13th I recognized Ishman and Galloway they are both present in court. I should judge there were about one hundred fifty men in that crowd that attacked us. At that time Ishman was the only man in the crowd that I knew. The fellow that followed me in St. Louis followed me around until ten o'clock at night. I don't know who these one hundred fifty people were. After the fight was over Hartbeck was the only one who I then recognized. I do not know who struck me. Hartbeck struck at me but didn't hit me.

Redirect examination:

The other man that I now recognize who was standing at the depot on the day of the big fight besides Galloway was Mr. Lamb.

38 *Testimony of Frank Melton.*

FRANK MELTON testified as follows:

I went to work for the complainant on April the 13th, worked about ten days and was off then until the 7th of May when I again went to work. That day I went across Neideringhaus Avenue on the south side of the plant to Compton's Restaurant; while I was in there this fellow here (pointing out defendant Gerlich in the court room) come up to me. He was the leader of these fellows. Guess there were twenty of them in there while I was eating dinner and they surrounded me. He came up and commenced to bulldoze me, and said, "Say you, don't you know there is a strike on here?" He told me if I didn't stay out of that shop they would beat my damned head off and I sat and eat awhile, and I told them I thought I would quit that night beings they were getting so strong with it, and they kept getting louder all the time and getting closer to me all the time. When I told him I would quit that night, he said, "You won't do it no such a dam thing; you have seen your last time in that shop. You are quitting right now." There was a heat to come down in a few minutes; they had me tied us and wouldn't let me in; I was pouring man. I told them I had a motorcycle in the shop and would have to get that out, so they gave me fifteen minutes to get out of there, and on account of their threatening attitude I was afraid to go back there to work. I went to work and worked one day after that and that night they jumped me in East St. Louis right near my home. I don't know who jumped me. One of them said, "There is that crane man at Granite City." One threw a brick but never hit me, and one ran over and knocked me down; don't know what it was, a hammer or something he had in his hand; hit me in the back and knocked me down; I was laid up for over a week; couldn't use my back, and struck me in the face and I was cut on the arm. This happened about the 14th of May. I don't know who struck me, it was done after dark and I couldn't very well recognize who it was.

I was satisfied with the terms of my employment and I am willing to work there, but I am afraid to work.

Cross-examination:

I live in East St. Louis, I don't belong to any of the labor organizations. This place where I was eating lunch is across the street from the plant. I recognized Gerlich in the crowd and that
39 fellow sitting over there (pointing to Roach) was also in the crowd. They didn't strike me. I had to either quit or get my head knocked off right in there. They would have knocked my head off if I hadn't went right on in. It was about a week afterwards that I went to work and I just worked that one day and I quit on account of being hurt that night in East St. Louis. I don't know who hurt me.

Testimony of William Francis.

WILLIAM FRANCIS testified as follows:

I work at the Granite City plant of the Complainant have worked there the last seven years. I am the chain boss. I know Harry McKenny, Ted Ishman, Wm. Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, John Aldridge, Ike Cook. I do not know J. P. McDonough and C. E. Gerlich. These men that I have stated I have known I have seen around and near the plant in the latter part of April and May standing within thirty feet to two hundred feet of the foundry. I have seen them in crowds of ten, or fifteen or twenty with other men but could not call their names.

When I left the plant on the night of April 29 I saw Tom Churchill about eight feet from the depot with ten or twelve other men among them was Wm. and C. Thornberg. They were all in the gang together. Churchill said, "If we didn't stay out in a descent manner they would make us stay out.

On the following morning I went to work with Steve Hafner. We met Thornberg and Churchill and they took Steve away from me and kicked him and beat him in the face with their fists and feet, they then ran away.

I saw the Blacksmith Freddy that morning. I saw him get whipped; knocked down. He come on the north side of the depot and Churchill, the two Thornbergs and three or four more fellows were on the south side. The- headed him off around the car and they commenced whipping him and knock him down and beat him. There were about nine or ten of them in the assault. Freddy was unable to work and went home.

On the 13th of May there was trouble on Neideringhaus Avenue about a half a block from the plant. There were nine men with me and I seen a world of men coming three directions. Some from behind the stamping works, South of the stamping works;
40 some was coming north and when we passed by a gang at the depot we were in the middle of the three gangs. The- com-

menced throwing bricks. I recognized two or three standing around there. Bricks was being thrown so fast I got behind a post. As I was going by the depot I recognized two or three of them. I recognized Churchill, Hartbeck and Galloway. Galloway was at the depot. A bunch of these men came in from behind us after we got past the depot. I saw workmen with me that were struck with bricks. A man got knocked with a brick; one got hit in the ear with a brick. Mr. Quinn got knocked flat down unconscious. Mr. Patty over there got knocked down. It lasted about ten or fifteen minutes and then the gang run away in different directions. I got behind a post and didn't get a scratch.

At the beginning of this trouble I saw the fellows do picket duty around there. Saw several in gangs of twenty or twenty-five and within thirty feet of the plant's gate.

Cross-examination:

I can recognize a lot of them that were doing picket duty. They were from 30 to 200 feet from the Gate. Stopping people from coming in the gate. They told me not to go in but I kept going in; they did not stop me; some days I Didn't come out and some days I did. I got arrested for disturbing the peace; they were disturbing my peace. That was for the part I took in the fracas. I am under a peace bond now. This big fight was about two hundred yards from the plant. I was so badly scared that I couldn't recognize much. I saw the Thornbergs in the fight; saw them throwing bricks at the men coming from the works.

Freddy was about eighty or ninety feet from the works when he was assaulted. Churchill and McKenny assaulted him. I don't know what Freddy said. I was about twenty feet from them. They did not molest me. Freddy didn't strike them.

Churchill and Hartbeck was in the fight on May the 13th. Don't know how many men were there; there was a world of them. I saw this fellow here throw a brick, I recognized him and the two fellows before the bid crowd come up there but the other gangs hadn't met us. And the crowd at the depot came up behind.

41 *Testimony of J. E. Bell.*

J. E. Bell testified as follows:

I am working for the Steel Foundries as a crane man. I was working there on the 13th of May. On leaving our work eight or nine of the workmen went up Niedringhaus Avenue together. A bunch of men came from behind the stamping works, one came back of us and one from the side; kind of corralled us, threw bricks and every thing at us. I was struck in the back and arms with bricks. About the eighth or ninth of May I had a talk with McKenny. He told us if we didn't quit working they would cripple us so that we couldn't get there the next Monday morning. I have been satisfied with the terms of my employment there at the plant.

A hand bill like Exhibit "B" was handed to me by Harry McKenny. I do not belong to the craneman's union or to any labor man's union.

On the 13th of May the men chased me clean up to the Police Station. I should judge there was about two hundred in that crowd.

After McKenny told me I had better quit working I continued to work at the plant. I was kept inside for over a week. If the pickets would ask you not to work it would be all right, but they started to use brutal force, one tried to stab me.

Cross-examination:

I began work on May 5th and was assaulted on the 13th. I have worked every day. Been going in and out except for a week I stayed in the plant.

Testimony of William Francis.

WM. FRANCIS, recalled:

That fellow there (pointing to Earl Galloway) threw a brick and hit this man in the ear.

Recross-examination.

I have known Galloway five or six months. I am sure Galloway was there. I am sure I saw him. I saw Galloway throw a brick.

He threw it at that fellow there, sir.

42 *Testimony of Edwin Baker.*

EDWIN BAKER testified as follows:

I run the Royal Hotel in Granite City, I draw my trade mostly from the working people, and some of the employees of the complainant board with me. I know who the colored porter is that works for the complainant, he comes to my place for meals. On May 9 he came to my hotel with an order for two meals from officials at the complainant's plant. I packed them in two baskets and a bucket of coffee and handed them to him. He left my place and in about fifteen minutes came back as hard as he could run; ran in the restaurant and threw kitchen where I happened to be. He did not have the baskets with him at that time.

About three minutes after the porter got there three men came into the place. I didn't know any of them; the spokesman said his name was Harris. He asked me if I was feeding men from the American Steel Foundries. I told him that I was and they told me if I didn't quit feeding them they would ruin my business and see that I didn't get any more union men.

Testimony of O. P. Floyd.

O. P. FLOYD testified as follows:

I am the employment agent of the complainant. My office is located so I can look across the railroad tracks from my office. I know by sight Roach, Gerlich, Cook, Churchill, Galloway and McDonough. I have seen all of these men engaged in picket duty around the plant, between the plant and the Wabash and at the Wabash Station. I have seen Roach, McKenny and Churchill within ten or twelve feet from the entrance of the plant. I have seen them approach men by stepping in front of the man and intercept the man.

I know the colored man, the porter at the plant. I sent him to this hotel to get those meals. I saw him coming back to the plant. As he was on the tracks coming to the plant he had two breakfasts I sent him for in a couple of ordinary market baskets. At this point he was stopped by Churchill, Gerlich and two other men whose names I do not know. They forcibly jerked the baskets away from him and threw them on the tracks and kicked the contents of the baskets over the tracks and broke up the dishes and the negro went back the other way. He didn't come to the plant at all.

43 As Employment Agent I employ all the laboring men, mechanics. The workmen affected by this picketing are the machinists, cranemen and skilled labor. When we started our plant on the 6th of April I had plenty of applicants for such work, more than I could use. From the 24th of April and up to the time of the issuance of this restraining order the situation changed very materially; not able to get that kind of men; they would ask for protection and we could not give them any protection, consequently we couldn't get them to work. The rest of the plant cannot operate without the cranemen and these skilled laborers. I have been the Employment Agent for upward of two years.

Cross-examination:

The Wabash Depot is about one hundred or one hundred and fifty yards from my office. I am located at the main entrance; I am in my office from seven to twelve in the morning, and from six thirty to seven thirty, eight, nine or ten o'clock at night. I didn't see any of the particular attacks that are mentioned. All I saw was the pickets talking to the men and the men being stopped. I don't know what means were used. The pickets were stationed between the Wabash Depot and the plant.

I know that Churchill and Gerlich stopped the porter with the meals. Churchill and Gerlich's acts constituted an assault. They didn't strike the negro but they forcibly jerked the basket away from him and kicked the contents down the track. He was not struck. This was probably two hundred and fifty or four hundred feet from the plant.

Testimony of Valley Crabtree.

VALLEY CRABTREE testified as follows:

I have worked for the complainant continuously since March 29th. On May 8th I left my work about 7:15 in the morning to go home; Hedstrum and Crawford fellow employees were with me. As we were going on Neidieringhaus Avenue near the Depot I met a bunch of about fifteen assaulters. I only knew Ishman and Warden in the bunch. They come up in front of us and called us vile names; whether they were addressed to me or not I don't know; never had anything said to me before. They followed us in around 44 the Depot and the next I knew Mr. Ishman and another fellow struck me with their fists. The fight started and lasted just a few seconds and the policemen came along and arrested us three employees, Mr. Ishman and another gentleman.

I had no other trouble. I am a furnace helper in the plant and satisfied with my employment there.

Cross-examination:

I began working March the 29th getting the furnaces ready. I belong to none of the unions represented by the Trades Council. This trouble happened one hundred and fifty yards from the plant. The men followed us around the Depot and the first I knew about a fight was when I got hit then the policeman arrested us and I was taken to the station. I had a trial but came clear. I know Ishman who struck me but I don't know the other fellow who struck me. I know another fellow by the name of Gangles who was in the crowd. I have gone in and out of the plant every day and have not been molested except that one time.

Testimony of Thomas Cantrell.

THOS. CANTRELL testified as follows:

I am working for the complainant, starting there May the 13th. I left the plant that night about 6:10 o'clock and when I got down about a half a square from the Wabash Depot it seemed to me there were about two hundred men surrounded us. I recognized one man, Ted Ishman. I saw him throw a brick and strike Mr. Stark with it. Stark was covered with blood; I took him across the street and met four other guys but I can't identify them; they started hurling brick at me; some hit me on the back and I made my get-a-way towards the plant. I stayed in the plant until about eight o'clock and then four officers escorted us to the Royal Hotel. I went back to work and the next morning and for five or six days slept in the plant. I slept on tables until they got cots.

Cross-examination:

When I went to work at the plant I didn't know there was a strike on. I am a pipe-fitter, belong to no union and work in open
45 shop. I saw Ishman right at the curb when the fight started. Mr. Stark was walking along and Ishman threw a brick at him and struck him in the ear and Stark and I went back to the plant together. I quit work on the 28th. After the assault I slept in the plant five or six days and after that I kept coming out and going home, but I was not molested. I wouldn't give them a chance; I wouldn't take the chance to get that close to them. I was hit on the back three or four times with rocks; when I came out of that plant on the 13th, about 4 P. M., and saw a crowd; the scrap took place after we crossed the Wabash Tracks; I know Ishman threw rock, I am positive. I was right there and I saw Hartbeck pitching in and doing all he could. I went in and out from the 13th to the 28th except for five or six days we remained in the plant.

Testimony of Joseph Hoffman.

Joseph Hoffman testified as follows:

I am the Assistant Foreman for the complainant and have been for fourteen years. I am acquainted with Harry McKenny, Ted Ishman, Tom Churchill, Clay Holmes, Isaac Cook and Eddie Roach but am not acquainted with any of the other defendants. I have seen these men picketing, mainly around the Wabash Depot a hundred and fifty yards from the plant; on one occasion I saw them within one hundred feet from the plant. The Wabash Depot is near Neidringhaus Avenue which is one of the main streets leading to the plant. The picketing started about April the 24th.

As a general rule Assistant Foreman are not involved in these strikes. I had a talk with Churchill and told him that word had come into the shop that a crowd was going to get me; they were laying for me on the outside. He said being as I was Assistant Foreman he would take it up that night with the boys and see I wouldn't be bothered. I was never bothered.

Cross-examination:

One hundred feet is the nearest I ever saw the pickets to the plant. All I saw them do was talk to the men, I saw no assaults. In my talk with Churchill he assured me that nobody would molest me, and I wasn't molested. I worked there every night and only saw the men stopped.

46 *Testimony of Arthur Knott.*

Arthur Knott testified as follows:

I am a craneman working for the complainant; started to work April 27th. I know Churchill, Roach, Lamb, McKenny, Ishman and Holmes.

On May the 8th as I left my work that night and was walking along Neidringhaus Avenue there was a crowd of about ten at the Wabash Depot; Churchill, Roach, McKenny and Holmes were there. I had a conversation with them; they asked me where I was working at and I told them, and they told me I had better quit working there or I would get my head knocked off.

On the morning of April 28th as I was leaving the plant I saw Ishman and Sanders and one or two other men whose names I don't know. One of the men handed me one of those hand bills (Exhibit "B"). They told me I had better quit working there or I was liable to get hurt.

About May 4 Tom Churchill, Harry McKenny and two other men were sitting on the Railroad Track about fifty feet in front of the Timekeeper's Office. McKenny tried to stop me and I told him that I didn't want to talk to him and they blocked my way, and Tom Churchill came from the back in a threatening manner and I pulled my pocket knife on them and they left me pass in the shop. They called me a scab and cursed me and made threats that they would get me.

Cross-examination:

I had worked for the Complainant about two years ago. It was on May 4 I pulled my knife (witness shows knife to counsel) I never told them anything. They tried to keep me from working; advised me not to work. When they handed me one of the hand bills they didn't strike me. I have been working ever since April 27th. I haven't been assaulted once. At nights the Company has been taking me home in a buggy for the last two weeks.

Redirect examination:

I have been going in by buggies and unusual routes, taking country roads and back fences or in any way I can get in to keep from getting hurt.

Testimony of Adolphus Hileman.

47 ADOLPHUS HILEMAN testified as follows:

I started to work for the complainant along the first part of April and quit working April 25. On the evening of April the 24th I saw quite a crowd, Lamb and Ishman was with them. They asked me to stay out, that there a strike on there; I told them I would go in and pour the heats and then come out; and a fellow said, "Go on in and scab them and we will catch you when you come out. On the evening of April 24th I was met by Ishman, Holmes and Paddey about six blocks from the plant. They said the machinists called a meeting and decided to get everybody that went in there and knock their blocks off and I had better stay out. Paddey said the machinists would do that; they didn't say they would do it. On April 25 I saw Horace Howard and Henry McKenny; I

was on the inside of the fence talking to them through the fence. When I first saw them I was sitting on the water tank by the fence about forty feet from the gate. They told me I didn't do the right thing by staying in there and scabbing; I ought to come out. I quit working there that day because they made those threats and I didn't care to be in the trouble if there was any trouble. I was satisfied with my employment, satisfied with the terms of it and had no trouble with the Company at all.

Cross-examination:

I was working as a craneman. I am not a member of the union. I went in and out of the plant every morning and night and was not assaulted. I began work on April first and quit on April the 25th. They told me that some of them was going to get the bunch that did work in there. I wasn't taking the place of strikers; I went in there before they started to strike. They didn't convince me that I was doing the right thing by quitting. I quit because I didn't want to get in trouble. I know them by sight. He and Ishman and McKenny or Howard told me a strike was on. The strike was on only about three days while I was there.

48 *Testimony of Arthur Gordon.*

Arthur Gordon testified as follows:

I am working as a craneman for the complainant, started to work on May 6th. On the evening of May 13th as I left my work I saw some of the pickets at the Wabash Depot and when I got a little closer they started to follow behind us, and some coming up the same side of the street to meet us, and some coming from behind the stamping works, I got knocked down to the ground and they started to kick me with their boots. I don't know what I was knocked down with, it was from behind. There was a pile of bricks there. I was kicked in the forehead; on my head; had my ribs black and blue and bandaged up for about two weeks. I went to the surgeon of the plant and he bandaged my ribs. I had a big lump on my forehead. I was pretty sore, couldn't hardly breath at all and was affected for nearly three weeks. After I was assaulted I made for the street car and got on it, they threw a pile of rocks, they didn't hit me but hit the street car. I don't know any of the names of the men in the bunch.

Before this I had been talked to by Ted Ishman he stopped me and told me if I didn't quit going in there they would put me out of commission. I told him I was going to work anyhow and he said there would be none of us in the plant on Monday. I slept in the plant at nights for about a week. The first two nights I slept on a plank, after that on a cot.

Cross-examination:

On May the 13th when I was knocked down it was about a block

from the plant there were a lot of brick bats and rock thrown, I don't know who threw them.

When Ishman talked to me and handed me one of the bills there were five or six of us on the corner. Ishman was there with several more of his men. He threatened us that if we went into the plant he would get us and there would be nobody in the plant on Monday. That was about Friday. I didn't know whether the plant would be working on Monday or not, I took the chance. I worked from the 6th of April up until now and have been going in and out every night except the one week.

49 Redirect examination:

I stayed in the plant from May 13 until the restraining order was issued by this Court. After the restraining order there was a craneman beat up.

Testimony of Oscar E. Hall.

OSCAR E. HALL testified as follows:

I am Master Mechanic at the plant of the complainant and have been since May the 1st, 1913. I am acquainted with Ted Ishman, Tom Churchill, Eddie Roach, John Aldridge, Isaac Cook and Benj. F. Lamb. I have seen each of those engaged in picket duty around the plant at various times until within the last couple of days, some of them, from the time the trouble started on April 22nd. There were many others, quite a number besides these defendants with them at that time. The crowds would vary from a dozen to as many as one hundred or one hundred and fifty.

I know Freddy, a german, the blacksmith at the plant. I saw Freddy stopped. He was walking down the street; got off the car ahead of me, along about half past six in the morning, walking towards the plant, he and another man whose name I do not recall; they were walking together and the pickets formed a wedge, causing the two men to drift apart eight or ten feet; two or three men got around each of them and was talking to them; I passed within hearing of the conversation between Freddy and the men encircled around him. I heard Freddy say first that he didn't want to belong to the union; he wanted to work; and some of the pickets said, "You can work today old man but you are liable to get your head knocked off tomorrow." That was the same Freddy the witness spoke of as being afterwards assaulted. Freddy was in my department and I tried to get him to come back to work before the restraining order was issued, he refused saying he was afraid to work.

About the 24th or 25th of April I had a conversation with the defendant Lamb, he said to me, "We don't like the way you have treated our boys down here and we just come down to raise a little hell." Just before he said this he was with a part of five or six men.

I have seen the hand bill, Exhibit "B" on the streets in Granite City. I would judge there were hundreds of them. The defendant

Lamb handed me a copy. I was going down the street to get
50 the car and he just s-ep-ed back and handed me one.

I have never seen any acts of violence. I have seen five or six of my men come into the shop in a bruised condition. Of course I do not know what caused it other than what they told me. I have talked to my men in reference to continuing working at the plant and I had to use considerable persuasion at times to get them to stay.

Question by the Court: If men were unmoles'ed would you have any trouble filling all the places you want?

A. I think not.

Q. Is there any dissatisfaction among the men you do employ as to wages or condition of labor?

A. I have heard of none.

Cross-examination:

I have seen a crowd of pickets that ranged anywhere from a dozen to one hundred fifty. I couldn't say all the one hundred fifty were pickets. They were men around; I couldn't say they were all pickets. They were scattered within a few feet of the entrance of the plant back of Neidringhaus Avenue and A Street. I have seen them up to within ten feet of the plant, but none came within side of the plant while I was there.

I can't recall the name of the man with Freddy, he is a machinist, nor could I recognize the man who spoke to Freddy.

When Lamb told me he didn't like the way we were treating the boys, he had reference to the reduction of wages. This reduction was the cause of the strike. I never saw any acts of violence nor any of the assaults. I only saw them stop the men and try to induce them to quit work and in this particular Freddy matter to make threats of violence. There wasn't but two strikers. It was somebody on the outside who interfered with Freddy.

Redirect examination:

There were only two men who left the work on account of the reduction of wages and those were the only people I call strikers. Tom Churchill and Isaac Cook are those two. The men who did the talking to Freddy I considered the pickets. Since this restraining order was served I hav-n't seen any of the workmen stopped or any assaulted.

51 *Testimony of A. Walcher.*

A. Walcher Recalled.

I have in a general way made an investigation as to the solvency and financial worth of the defendants in this case. I inquired around Granite City from some of the business people and I referred to the tax books. As far as I can learn there are only two of the defendants, Thornberg and Galloway, that are on the tax books and they were assessed on about $300.00 each.

The plant reopened on April 6th; some men were employed a few days prior to that time to get it into operation. We ran the plant without any trouble with our men up until the morning of the 23rd of April. From the 24th of April on until the issuance of the restraining order the defendants were almost unbearable toward our employees; it reached the point where they were in fear of entering and leaving the works. It was impossible to keep ourselves properly employed with the right class of labor to operate the plant. Since the restraining order was issued every thing has been very peaceable and quiet and hav-n't had any trouble our men entering and leaving the work; it would have been impossible for us to continue to operate the plant had this restraining order not been issued.

Only two men left our employ in response to the call for the strike. We had no controversy whatever or any trouble with any of our laborers as to the wages or terms of employment. Had no complaints in regard to labor and working conditions from anyone in our employ.

Recross-examination:

When we closed in November all our employees were discharged; they were laid off indefinitely on account of closing down the plant. When we opened April the 6th we employed whoever we saw fit; whoever *employed* for employment at the gate. Started the plant the same as a new plant. We only had called for in round numbers, three hundred men, and laid off approximately thirteen hundred men. Eighty or ninety per cent of the employees were old men. I assume these men were members of various oraganizations; I can't state definitely as to that.

Earl Galloway was admitted to my office and told me there
52 was a Committee that represented the labor organizations; I asked him if the Committee represented our employees and he said they did not, and I told him we didn't recognize any labor organizations; we had never had any complaints or demands from any of our employees. We positively did not propose to recognize any of these labor unions. I told him we had nothing to arbitrate; had no complaint to begin with. I knew of no controversy because we had reduced the wages.

After the strike order was issued we met a Committee of the Commercial Club, the City Officials and these labor unions, with the idea of getting them to co-operate with us to the extent of getting protection for our employees. This meeting was not called for the purpose of arbitrating this wage question. It was called at my request by the Mayor and Police Committee. There was an open meeting with the Police Committee, the Mayor and the Committee of the Commercial Club. I there stated that we have no arbitration offer to make to these laboring men.

Redirect examination:

We employ both union and non-union labor; we don't discriminate, never have.

Testimony of Charles Fortner.

CHARLES FORTNER testified as follows:

I am now working in Alton but on April 14 worked for the complainant, worked there from April the 6th until April the 25th. I know Holmes, Ishman and Lamb; On the evening of April 23 as I was going home I met them about one hundred fifty feet from the plant. They asked me if I knew there was a strike on and I told them I did not; they told me there was and the best thing was to keep out of there and if I didn't they would make me. Later on I got word if I didn't cease work I would get my head beat off. I quit work on the 25th of April because I was afraid they would carry their threats into execution and beat my head off and I didn't want to get into trouble one way or the other. I was satisfied with the terms of my employment; had no controversy with the foundry of any kind; satisfied with the working conditions and would have continued to work if it had not been for these threats.

53 Cross-examination:

I did live in Granite City but reside in Alton now. I worked at the foundry before they closed down in November, running a crane. They resumed work on April the 6th and reduced my wages. I worked there from April 6th until April 25th. Went in and out of the plant every day, nobody assaulted me. It was either Ishman, Lamb or Holmes that told me there was a strike on and I had better not work there. I quit on the 25th. After that time I got reports to the effect that they said if I started working again they would knock my head off. That came from an outsider. I don't belong to one of these labor unions. I did belong to the craneman's local but I wasn't working for a couple of months before this trouble and I didn't pay my dues.

Testimony of Fred Stark.

FRED STARK testified as follows:

I applied for work at the complainant's plant about four o'clock in the afternoon of May the 13th and started to work on the 14th. As I was leaving the plant about six o'clock on the evening of the 13th I went straight over the tracks to the Wabash Depot, turned there and went up that street and started toward the street car; got half way up between the depot and the street car and was surrounded by about two hundred men and somebody got behind me and hit me in the ear with a rock. It busted my ear. I feel the affects at the present time and I believe it is broke. After I was hit I started down the street back of the plant. I didn't know anybody in the crowd only by having them pointed out to me. That red headed man back there in the court room I saw there. I don't know his name. He tried to stop me down by the depot as I was coming back.

I pulled out my pocket knife and he jumped aside. I left the plant that night between eight and nine o'clock and came back the next morning at four. The regular time to go to work was seven o'clock. After that night I slept in the plant on a pattern table.

Cross-examination:

I live in St. Louis. This trouble happened between six o'clock and a quarter after. I don't know if it was quitting time for the Commonwealth Steel Plant. I don't know where that plant
54 is. These two hundred men did not come from in fron- of the Commonwealth plant. I don't know who these men were, whether they were employees of the stamping mill or not. The only man I saw was Hartbeck. We passed him as we were going up and then we passed him at the Wabash Depot coming back. He tried to stop me, I pulled my knife, he stepped aside and let me go.

(Complainant rests.)

Evidence of Defendants.

Testimony of Earl Galloway.

Earl Galloway testified as follows:

I reside in Granite City am a plumber and president of the Tri-City Central Trades Council. The other officers are Vice President, Mr. Sproll, Secretary Cavanaugh; Treasurer, Wade; Trustees, Taylor, Reeber, and Wigger. The Council is an organization that is composed of six delegates from local organizations which forms a central body. There are thirty-seven affiliated bodies composed of the building trades, carpenters, painters, plumbers, building laborers, plaster-s, lathers, moulders, electricians, machinists, mill men, barbers, bartenders and clerks and other various trades. Each organization is entitled to six delegates. My membership in the Council is by virtue of being a member of the plumbers' union. The object of the Council is to better the condition of the working class; make conditions so that they can receive more of the wealth they produce and better working conditions in general. We have a constitution and by-laws. Witness identified a copy of the constitution and by-laws and the same introduced in evidence by defendant.

Section 3 which reads as follows: "To settle all disputes between employers and employees in relation to wages, etc., by arbitration instead of strike," was in force. We tried to carry out that section. As President of the Central Trades I first learned of a controversy between wage earners and the foundries from the delegates of the various trades who were refused any wages at that plant and made complaint *of* the Central body that their wages were reduced from two to nine cents on the hour.

The Central Trades is not a secret labor organization. Its meet-

55 ings are open, its minutes are printed and promulgated and sent to all affiliated bodies; laid on the secretary's desk for all parties in the hall to take a copy whenever he pleases. These thirty-seven organizations allow nobody but members to attend their meetings. The Central Trades Council have no sign, pass-words or grips.

After the Council received complaints about the reduction of wages arrangements were made by the different trades that had received these reductions to have a joint meeting and they brought their complaint jointly before the Central Body and asked for its co-operation in the matter of arbitration with the foundries. A Committee was appointed by the Central body to wait upon this corporation to arbitrate the question. I forget all of the Committee; they were ten and I was one of them. We went to the plant and the gate man informed me the spokesman or chairman would be permitted to enter. As chairman I went in to see Mr. Walcher and stated the case to him. He said they didn't have any grievances there that he knew of; that none of his employees had said anything to him that they were dissatisfied; he asked me who the Committee was; if it was any of his employees; I told him not at the present time; that there had been, but they were representatives of the different local unions; he stated that he would not meet with any representative of organized labor; if any body around that plant felt mistreated or had any grievances to come in as individuals and they would treat with them, so I told him that if that was the way he felt about it I would have to report the same back.

This was about the 20th or 21st of April. It was reported back to the joint board and a strike was declared on the plant. Bills were printed and circulated to the different organizations and passed about that they had reduced the wages of these different crafts, something like eight or ten crafts I believe.

Some time after that one of the committee of the Commercial Club of Granite City called up a Committee from the Central body and stated they thought they could arbitrate this trouble between the unions and the foundries and would like to meet jointly with them, and the officials of the foundries and the City officials would also try and arbitrate the question. We got a Committee together and went to Lauff's Hotel; representatives of the Steel Foundry, representatives of the City Officials or rather the Police Committee and Commercial Club and others were there. Walcher, Davis and Hall represented the foundries. Everybody took they——

56 Court: This is all very interesting, but what is the purpose of it? Would it be your idea that failing to adjust by arbitration, you would have a right to use violence; what purpose is it?

Counsel for Defendants: We want to show we tried to adjust this by arbitration, but these people refused.

Court: You had a right to propose arbitration; and they had a right to refuse. How is that material at all?

Counsel for Defendants: I think we should be permitted to show

these people were trying to carry out the object of the Central Trades; we ought to be permitted to show the attitude of the Company with reference to this matter.

Court: They may do anything in regard to carrying out the purpose of their organization which does not go beyond peaceful means. This bill alleges violence; you are not liable for anything but violence. The whole subject here is whether or not you were guilty of violence, and of these defendants; nothing else is competent.

I had a conversation at the Hotel with Mr. Davis and when I stated that some of the men they had imported in there as strike breakers had shot at some of our men, Mr. Davis told me that the only trouble with the man that done the shooting was that he didn't shoot straight enough. Mr. Davis is connected with the foundries and the man that did the shooting was an employee of the foundries.

I believe I was at the plant about three mornings for about fifteen or twenty minutes each morning, and about four or five evenings for the same length of time, or may be a half an hour. At the time I was there there was no violence whatever done by the strikers. The representatives of the Central Trades were there doing picket duty. The closest I saw pickets was on the tracks, twenty feet in front of the Wabash Depot. I saw no assaults while I was there.

The Central Trades did not instruct any body to assault these parties, these strike breakers or anybody. The only instructions we gave were to picket the streets leading to the plant and ask the men not to go in the plant and take the work under the reduction of wages.

I was not at the plant or on the picket line on May the 13th. I worked until five o'clock in Madison, Illinois, an adjoining town; got back to Granite City about 5:30 and then I was in Boyd's garage from then until about six; from there I went home. I did not strike any of the strike breakers or other employees leaving the plant, nor did I strike nor assault these parties on any other day other than May 13.

57 Cross-examination:

A Committee of the joint board of the Tri-City Central Trades Council selected these pickets; rather they were from the different crafts that were connected with the reduction in wages. The Joint Board placed pickets down there at the Wabash Depot along the streets leading to the plant of the American Steel Foundries and we sanctioned their action. On the seven or eight occasions I was down there I went down to see how things were going and went down to see that things were going right. These pickets were stationed adjacent to Neidringhaus Avenue around the Depot. That is one of the main streets leading from the plant.

I am a plumber and was never employed at the American Steel Foundries. Personally as a workman I have no interests there and didn't intend to seek employment there. We circulated some bills

(witness handed Exhibit "B") that is a representation of the seal of the Tri-City Central Trades Council. This is one of the bills that was circulated that I referred to.

While our constitution says, "To settle all disputes between employers and employees in relation to wages, etc., by arbitration instead of strike" yet if we can't do it by arbitration then we strike. And we struck in this case, declared a strike; we were rather locked out first; then declared a strike and sent down these pickets to enforce the strike. Our purpose in sending the pickets down there was not exactly to enforce an increase in wages, but try to encourage working men who go and work there, they were working under a little wage; and to get those who were working there to quit work so the American Steel Foundries would be compelled to raise their wages to the standard.

Redirect examination:

One of the purposes of the organization was for their mutual protection, education and social advancement. When we placed the pickets there that was for the purpose of, if possible, to prevent these men from entering and working at this plant until they would arbitrate this difference or advance wages to the former scale. These pickets were not authorized to commit any unlawful act. That wasn't the intention of the Central Trades Council; that isn't the way the Council carries on its business. I have been Presi-
58 dent of the Council for two years. I have an equity in a piece of property. The rank and file have just simply their labor; a great many of them don't make enough wages to secure a piece of property. I never saw anybody connected with the Central Trades Council assault any of these workers.

Recross-examination:

If there was a meeting of the Central Trades Council on June 3, 1914, I attended it. I attended the meeting when the answer to this bill was read at the Central Trades Council. I heard the Secretary read a report of the finance Committee at that time. I don't know if the report showed the Council had only $87.00 in its treasury. I don't remember, I couldn't say about that.

Testimony of M. E. Kirkpatrick.

M. E. KIRKPATRICK, testified as follows:

I am Mayor of Granite City and have been for a little more than three years. The plant of the American Steel Foundries is located in Granite City. When I see them I know the officers and managers of that concern. I know Mr. Galloway and some of the other men representing the Central Trades.

All that I know with reference to the assaults that took place at

or near this plant during April and M[illegible] what I have heard on our Police reports, that our officers make. Directly I know nothing. I was down to the plant twice I believe during the day time. I didn't go in the plant but went down along Pacific Avenue, there were just a few men standing around there the time I was down. I couldn't say if they were pickets; I didn't recognize them. The men I saw were standing around the Wabash, a few around there, and if I remember correctly four or five standing around the gate where they go in; one was the watchman. With reference to Police protection at this plant I am ready to give it and did give it.

I was at the Lauff Hotel at the Meeting of the Commercial Club, Police Committee and representatives of the Trades Council and the Foundry, and I heard Mr. Davis say in reference to Mr. Galloway's remark about the shooting that the only thing the matter in that case was that the man did not shoot straight enough.

39 As Mayor of the City I consider I have plenty of Policemen to protect the property; I have done that all along and would have done it without this injunction and ready and willing to do it now.

Cross-examination:

I am a member of the socialist party and elected on that ticket as Mayor (objected to by Counsel for defendants). I am not a member of any labor organization; I am an honorary member; that is, I have been a member, but at the present time I only hold an honorary membership of the Amalgamated of the Iron, Steel and Tin Workers. Prior to my election I was a steel worker in a steel mill for about ten years. My duties as Mayor take practically my entire time.

In this reduction of wages at the American Steel Foundries my sympathy is with the strikers or with organized labors in this affair. Through the Police reports I know there have been assaults at the plant. I promised the plant protection. After I had promised protection there were a few fights.

In the conversation I overheard between Davis and Galloway with reference to the shooting I understood from the conversation that Mr. Davis wasn't present when that shooting took place.

Testimony of B. F. Lamb.

B. F. LAMB testified as follows:

My business is representing the Union National Association of Machinists; I am a mechanist by trade. I live in St. Louis. The Tri-City Central Trade Council is in my District, therefore I am in Granite City quite often; I have a local there and they are affiliated with the Council.

During April and May I went to Granite as often as I could, I should judge about three days a week. Yes, sir; I was absolutely

aware there was a strike on there. I went over as a representative of my organization. Prior to the strike some of the men in my organization were employed at the plant, we called them out after the strike had been declared. I was at the meeting at the Lauff Hotel, as one of the Committee. I heard the conversation between Mr. Galloway and Mr. Davis about the shooting. The other party stated it as correct as I could state it.

60 I went to the plant about three days a week. I did picket duty. I was on the picket line myself. The picket lines were at the Wabash about one hundred or one hundred twenty-five yards from the plant. The pickets conveyed information to those seeking employment going in there and there was a strike on and all trades were out of that plant, and asked their co-operation not to go in under the reduced rate. We absolutely did not authorize any assaults to be permitted. I saw none of the men engaged in picket duty do any assaulting. I have heard of some fights taking place away from the plant but I was in no way connected with them. It might be that the witnesses when they speak of the fight that took place between nine or ten men who were working at the plant and about two hundred employees up near the street car that they had reference to the enameling Company there; their plant is on Neidringhaus Avenue; they quit all the way from 5:30 to 6:00 o'clock. They have a number of different employees, ladies and gents and they have their hours so regulated that they are coming out of that plant most all that time from 5:30 to 6:00 o'clock. I recollect meeting Mr. Hall and talking about the situation. I have looked upon Mr. Hall as being friendly towards me. I said it was a severe cut for them to make and it looked as though they were going to raise hell in the town, because conditions in that town were good, but I didn't like to see a fight going on, but it looked as though it would come.

I didn't commit any unlawful acts or strike anybody. I didn't see anybody connected with the Council or any representatives of these thirty-seven organizations do anything wrong.

Cross-examination:

I saw the fight was coming on on account of the severe reduction. I have been in these fights before, consequently my remark to Mr. Hall was along my experience. I told Hall I thought that reduction would raise hell in the town.

On the 22nd or 23rd of April, I think five of our machinists were in the plant, one by the name of Missell who quit of his own volition and Tom Churchill and Hampy and Drogg; Drogg was what we call a semi-machinist.

61 I was instrumental in putting some of the pickets there myself; I put out four or five; I paid them; that is our constitution; they were paid out of our fund.

I never worked for the American Steel Foundries. I object to the present condition. I am trying to remedy those conditions, but not by a strike if we can avoid it. They absolutely refused to met us.

The picket line is to inform the workmen of the truth and ask them to join hands with us and maintain conditions. These wages are too low. They are unheard of in the history of Granite City; a nine cent for a machinist is absolutely a shame to that City. We are going to change that condition if we can do it peacefully. The constitution requires the men must picket the plant from which they go out.

Redirect Examination.

The purpose of putting pickets is to notify men of the condition. We don't countenance any unlawful act, that is forbidden in that organization.

Testimony of Simon Henry.

SIMON HENRY, testified as follows:

I am the Sheriff of Madison County, and reside at Edwardsville, Illinois. I only know about the condition existing at Granite City during April and May with reference to this strike from what I have heard. As Sheriff of Madison County I think I am able to provide all the protection, life and limbs if necessary.

Q. And it was done as far as you know?

A. Why, yes as far as I know; whenever I was called on by the proper authorities.

Cross-examination:

Mr. Glasgow came up to see me and also Mr. Walcher asking protection. I said I would look into the matter. Some time after that you (Mr. Wheeler, counsel for complainant) went up to Edwardsville to see me. You asked me for protection and I told you I would look into the matter and report to you. I didn't report to you, though; it didn't become necessary. You told me in that conversation that you didn't want to get out a federal injunction.

Redirect examination:

I had two deputies down there and told them to investigate it and they reported there wasn't nothing doing much. If it was necessary, in my judgment we would have provided a deputy. If in the future it is necessary to protect property, life or limb, and I am called on by the proper authorities I will protect it. Neither the Mayor or Chief of Police of Granite City called on me for protection.

Recross-examination:

Q. Who are the proper authorities?

A. We generally wait for the Mayor or Chief of Police.

Q. When you say you will give us protection in the future, you mean just as you have given it to us in the past?

A. No, I think I would handle it all right.

Testimony of W. J. Hartbeck.

W. J. HARTBECK, testified as follows:

I live at St. Louis, am a blacksmith, a member of the blacksmith's union and have no connection with the Central Trades Council of Granite City.

I would go over to Granite City there sometimes every day. I am the business agent and official secretary of the Union and the blacksmiths of Granite City are in my local. I have been at the meetings of the Central Trades and heard it reported about trouble between the complainants and the employees. I acted on the picket line every time I was over there. Sometimes I would be over there in the evening and sometimes at noon time. The pickets as far as I could see would approach a man and tell him the conditions the wages they were working under and request them to come out with the balance of the other men; try to restore the wages to wages formerly paid. Did that myself. I never assaulted anyone. I never threatened anyone. I am aware some of the witnesses testified I committed assaults. I wish to say in regard to that trouble, myself and a big machinist they call Ben.,—don't know his last name—and another gentleman by the name of Ted Ishman were standing at the Wabash Depot and a whole lot of other men I don't know, were standing there, and if I ain't mistaken there were two fellows, officers,
63 also walked up and down the track; when these men came out of the plant they walked up to me, as usual; they were all in the crowd, the colored fellow was included; they walked by us and we looked at them; we never said a word to anyone that night; because the night previous to that there was one fellow in particular, this man Quinn, looked like a dangerous man; he carried a hammer always in his pocket. I never approached Quinn or I never approached Bell, I have approached the colored fellow Francis, and one or two of the other fellows, but I never threatened anyone; the statement made here I threatened to get anyone was false.

I heard Stark testify this morning about being hit by a rock on May the 13 at 6:15 P. M., near the Wabash Depot. I remember the gentlemen coming down well; as I said before me and this big blacksmith and this Ted Ishman and two police were all there at the Wabash Depot, and where this fight started we didn't know anything about it; it was a good long block up at the loop where the McKinley line turns north. This was near the Neidringhaus Enameling works. The men care coming out of there from five to six o'clock. The fight took place in the neighborhood of six o'clock. Stark passed me just a little east of the Wabash Depot. I had no intention of stopping Stark; he come running down with a knife in his hand; I wouldn't interfere with a man with a knife. I didn't strike anyone with a brick. I never used any violence of any kind; I will admit I spoke to men, but never threatened or used any violence. I tried to persuade men not to work there under the reduction of wages.

Cross-examination:

In my estimation the four or five witnesses who swore to my presence at different times to assault in my estimation testified falsely. When I saw this man coming down with a knife he was on the sidewalk and I was coming up this way. The sidewalk is right by the Depot. Ishman and this big machinist by the name of Ben was with me and quite a few other men, couldn't say how many, about eight or nine; couldn't say they were all on the picket line. I didn't know all of the pickets. I never worked for the American Steel Foundries.

The gate of the Stamping works is about opposite the Wabash Depot across Neidringhaus Avenue.

64 When the reduction of wages took effect, I was ordered by the superior of our district board to go over there, and to have men over there that would go to work to try to have them come out, if they could under reduction of wages; probably some of our union men would go in unbeknowns of the trouble. At the time I went over there none of our men were at work in the plant because they had been sent for. But I went over anyway.

Testimony of Harry McKenny.

HARRY MCKENNY, testified as follows:

I live in Granite City and am a steamfitter and belong to one of these unions. I know Arthur Knott by sight. I heard him testify here yesterday. In reference to what was said and done at that time, I met Mr. Knott come out there one morning, me and two and three more parties and asked if he knew if there was a strike on; he said he did not and said he would look into the matter; if there was he wouldn't go back in; so one evening I seen Mr. Knott going back in. I was over near the American Steel Foundries and I started to approach him to talk to him about it and he pulled a knife on me and went on *it*. The knife had a blade about two and one-half inches. I hadn't done anything to cause him to pull a knife, I just went to speak to the gentleman to see if I could keep him from working there. He said, "What in the hell do you want?" And pulled his knife out and drew it on me. Churchill wasn't with me at the present time; he walked up there. A fellow by the name of Roach was with me; he didn't assault him or threaten him. I was around there quite often morning and evenings acting as picket.

Yes, sir I assaulted one of the fellows there. Churchill stopped him one morning and was talking to him and I come up and asked him where he was working and he said he was going in there to work; I told him to stay away and he said, "you G—d d—n son of b——, I will work where I please," and I hit him." We were standing at the south end of the depot; me Churchill and some other fellow. I never tried to stop anybody, from going into the plant by force. I

never assaulted nobody. I talked to them; tried to talk to them in a good way.

65 Cross-examination:

I am a steam-fitter and did not work for the complainant in April and May, 1914. I did work for them in 1907, but quit because I was ordered to help a machinist that wasn't a union man. I was down there often doing picket duty; Roach was with me a couple of times. I saw Churchill a few time- around the Depot; saw Lamb two or three times, saw Galloway once; didn't see the Thornberg's, saw Clay Holmes there once.

I didn't give Knott any cause to draw a pocket knife on me; Roach was standing with me and Churchill came up afterwards. This was probably fifty or sixty feet from the gate of the plant. I tried to advise the fellow not to work. I didn't suppose he knew what he was doing.

The gentleman sitting over there is the fellow I hit, his name is Steve Haefner. I started to talk to him and I didn't like the manner in which he talked back to me and I hit him for doing it. I was then doing picket duty. I was going to stay there to talk to the men going into the plant. Churchill stopped Haefner and was talking to him when I come up there. I never hit anybody else.

Redirect examination:

I didn't hit him because he was going in to work, just because he called me that name.

Testimony of Thomas Churchill.

THOMAS CHURCHILL testified as follows:

I am a machinist. I was working for the plant when it closed down in November and went back to work when they opened but got an increase over the new men they had, but still it was a reduction at the same time. I am connected with the machinist's labor union, am a member. I did picket duty over at the plant pretty nearly every day, except a few days. The duties of a picket are to try to persuade men from going to work under those conditions and cutting wages.

I know McKenny who just testified. I was with him the day he struck Haefner. I happened to come in the same car with Haefner that morning; didn't know he was on the car until I walked
66 down the street a half a block. Francis was on the block; I asked him what he was going to do; that I wouldn't go in there; the fellows all got their wages cut and are all staying out and you will only be scabbing. He said, they are all going in there; and I said, don't you believe it someone has misinformed you, and kept talking; I was the only one around there and Francis went into the plant; I kept talking to him and McKenny and another big

fellow came along; McKenny got talking to him and he said You —— of b—— I am going in anyhow. Then he begged us not to hit him and said he wouldn't go in. In fact I didn't hit him myself at all; never laid a finger on him. McKenny hit him; slapped him on account of the profanity he used. He hadn't struck him or done anything until he called him that name.

There was something said yesterday about my striking a blacksmith; Steve Haefner is not a blacksmith. I never struck a man over there; merely warned them, asked them to say out of there; better keep away. There were two or three fights that took place. I seen one or two. The first one that I saw was the big one that they were talking about with the two hundred men. Some of these men come off of the street cars; some behind the stamping works and some from the other side of the street; in fact men were going home from other plants; don't know where they all did come from. I was on Nineteenth Street about a block and a half from the plant. I didn't take any part in that fight. Then this McKenny fight, that is all. I didn't strike anybody in that fight.

Cross-examination:

At the time I went into the plant I went in under a reduction, but I was partly satisfied with what I was getting. I wasn't completely satisfied. It was the best thing I had to take at the time being and I haven't had anything better since. I didn't get a better job. I quit because these fellows asked me to go out.

I stopped Steve Haefner and McKenny hit him. After he was slapped he begged us not to hit him. He hit him twice. I don't know where Haefner went, he said he was going home. I went around the depot and continued doing picket duty, but didn't stop any more men that morning. I couldn't stay how ma-y men I had stopped; I spoke to quite a few men. I never told them that they would get their heads knocked off, or blocks knocked off. I
67 just suggested in a nice way "I would like you to quit work" and they didn't know what they were doing. Tried to tell them in a nice polite way; more or less explained the situation to them.

Redirect examination:

When I found out there was a strike on I quit because I was a member of the union.

I know something about that basket of food carried by the negro porter. As near as I can judge seven or eight were standing around the depot; someone seen this fellow coming with the baskets; one of the fellows went to talk with him and I crowded around also; the first thing I knew they were up set, but I didn't touch the baskets myself. I didn't say the porter up set them. I don't know who the man was that up set the baskets. I saw the man that up set them; he just kicked them out of his hands. I was right there in the bunch.

Testimony of Ted Ishman.

TED ISHMAN testified as follows:

I am a craneman and reside at Granite City, a member of the cranesman's union affiliated with the Tri-City Central Trades Council. I did picket duty during the strike; I was there quite a bit, morning and evening; I used to go down there pretty much. The duties of the pickets were to inform the employees of the plant there was a strike on and inform them under what conditions they were working and of the conditions we had before.

In reference to the testimony of Crabtree yesterday about the mix-up in which I had a part, I believe, as near as I can remember, on the 8th of May there were Crabtree and four other gentlemen, I think, come across the railroad tracks and there happened to be about six or seven pickets on duty there; we got to talking to them and somebody started a fight and everybody got into the fight there. I couldn't say who started the fight. They claim I hit Mr. Crabtree. Mr. Crabtree himself claims I hit him. The strike breakers are mixed up in the fight and seven of us on the picket line. Three men from the foundry and two men from the picket line were arrested, and we were all taken before the Court. When the
68 fight started I happened to be right close to all of them; somebody made a pass at me and I hit Crabtree, they claim; I hit somebody and they claim it was him. I hit somebody because the fight started; I had to fight my way out of it. There was about twelve in the crowd and it was a general mix up.

Q. What did you strike this fellow Crabtree for, because he was going to the plant?

A. The fight just started; don't know as I had any particular grievance against Crabtree.

I didn't strike him because he was working at the plant, that is the only time I struck anybody. This fight was at the Wabash Depot, about one hundred and fifty yards from the plant. And there were seven on the picket line and five of the other fellows.

Cross-examination:

These pickets that were there that got into that fight were pickets that were sent out by the Trades Council, defendants in this case.

I don't know exactly the names of the fellows that were with Crabtree; Hedstrum was with them and I think Crawford they were coming across the railroad tracks leaving the plant from their work. We had seven pickets there and as they came by the pickets stopped them and then the fight started. I was there at the time and just took a little hand in it. I was not working at the plant this spring after it resumed operations. I was working there at the time it ceased operations.

Testimony of Clay Holmes.

CLAY HOLMES testified as follows:

I am an electrician, I did picket duty at the plant three or four days. I passed out bills and talked to the men as they were going in, trying to keep them out. I worked there when the plant closed in November, didn't go back to work in April on account of the reduction. I don't know what the reduction was I didn't go back to find out.

I saw no controversy between the men working there and the pickets. I didn't have a controversy with Francis who testified here. I heard his testimony. I don't know much about that occurrence.

I seen the bunch and they said they were going to have the
69 negro pinched, they had him taken off a car when the policeman took him up to the police station; there were quite a bunch there to see what went on and I went up to the police court to see; consequently the negro had be- arrested for assault and battery; a few days later the trial came up and no one appeared against me and it was thrown out of court. I had nothing to do with it. I had no controversy with anybody, had no fights, made no threats and never saw a fight.

Cross-examination:

I made application for work when the plant opened in April. I didn't get the work. I went on the picket line for three or four days, nobody sent me there. I didn't mingle very much with the other defendants; I did in the afternoon; I saw them around there. I knew they were picketing; and I was picketing.

Testimony of C. E. Gerlich.

C. E. GERLICH testified as follows:

I am a machinist residing in St. Louis. I worked for the complainant but haven't for two years. I belong to the machinists' union. I worked at the Commonwealth plant about two blocks away from this plant and in going to my work I can easily get off at Sixteenth street and walk up the railroad track or come around the loop to Neidringhaus avenue and the walk is a little bit shorter and better. I heard the testimony with reference to my kicking a basket belonging to the negro porter. I was arrested for that and acquitted. I didn't have anything to do with that and knew nothing about it. I know McDonough I understand he is some representative of the stationary engineers. They are included in the Central Trades Council. I know Wm. Thornberg and C. Thornberg. They are not here. I didn't do any picket duty; just passed there morning and evening to and from work. I had a controversy with a fellow named Imhoff. It was a personal matter between him and I. It had nothing to do with the fact that he was working at the plant. Didn't know he was working there.

70 Cross-examination:

I stayed around there a little and talked to the men, but not to the men going into or out of the plant, I stopped there at the depot occasionally, I have seen Ishman over there, have seen Churchill and met Lamb several times. I stopped and talked with them. I stayed around and talked with them about a quarter of an hour or so. I didn't see and don't know anything about the occurrence with the porter. I am not working at the plant at the present time, nor did I work after the resumption of work. I was opposed to the reduction in wages and would like to have seen the wages put back.

Testimony of Isaac Cook.

ISAAC COOK testified as follows:

I am an electrician and belong to none of the unions. I worked at the plant about three weeks after it started up. I quit because they cut my wages.

I didn't strike Haefner on April 30th, I never did speak to him while he was working there the last time.

I have done picket duty around there; I couldn't exactly say how many days; I was around there two or three days a week. I sat around the depot over there with the rest of them. No assaults were committed. I talked to the men and asked them not to go in there; they paid small wages and didn't think it was right to go in and take a fellow's place with smaller wages. I was about a block from the plant when doing picket duty.

Cross-examination:

No one sent me there as a picket. I saw the other men from the trades council and I joined with them and we were all together picketing there, talking to some of the men going to or coming from work. I went to work about a week after the plant started. I didn't know what wages I was going to get when I first went to work, I found it out when I got my first pay, on the 22nd I believe; don't remember just what day it was I quit. I got a time card when I went to work and if my rate of wages was on the time card I never seen it. Mr. Floyd said I was going to get 25c an hour, and when pay day
71 come I got paid 23c an hour. I didn't quit as soon as I got my pay but worked four or five days longer and I quit because they said there was a strike on. I just felt as it was right for me to come out. I wanted to get all the men out of the plant. I wanted to quit work and didn't want anybody else to work in my place. I knew if they didn't have men to fill my position the plant couldn't run and I was trying to keep them from getting men to fill those positions. I was working and combining with these other men for the purpose to keep those men out of the plant. I felt if I could persuade the man not to take the places of the strikers the Company would restore the wages. I was trying to make them restore the wages or close down the plant.

Testimony of C. L. Burton.

C. L. BURTON testified as follows:

I reside in Granite City, an Alderman of the Fifth Ward. I work at the Madison Car Shops. In April and May I was working at the Laclede Steel Plant in Madison. I never worked for the Steel Foundries. I belong to no labor union, I did not act as one of the pickets. I took no part in it at all. I know nothing of what happened there more than I have heard said by the public newspapers. I was made a defendant and notified to come here. I was not served by the Marshal. I committed no unlawful acts on any of the parties in the American Steel Foundries. I passed by there going to and coming from work; left my home at fifteen minutes to six and returned about five-thirty in the evening. I saw no disturbance there whatever and passed there every day for three weeks.

Cross-examination:

I never stopped and talked there to the boys but once in the whole time and that time I merely asked a fellow how he was getting along and how he was feeling. All I knew about the strike was what I heard from other fellows. I never spoke to a man by the name of Springfield but once while he was working at the plant and he asked me where I was working and I asked him where he was working.

Testimony of T. M. Cavanaugh.

T. M. CAVANAUGH testified as follows:

I am a printer by trade and Secretary of the Tri-City Central Trades Council and have been for seven years. I do not know Wm. Thornberg or C. Thornberg. I do not know John Aldridge. I know McDonough, the representative of the stationary engineer's union. He looks after the interest of his organization in Granite City. Burton does not belong to any labor organization.

At the regular meeting on April 15th of the Tri-City Central Trades Council a communication was received from the Machinists' Union requesting that a special meeting be called of all trades working at the American Steel Foundries to arrange some plan to have the wages reinstated that were in force when the plant shut down, and the meeting was called for Sunday the 19th. Ten or eleven trades were represented and we decided to call on the American Steel Foundries and see if they could not have the wages reinstated or arbitrate the matter. I wasn't present at the arbitration planned meeting which was on the 20th of April. At the meeting Wednesday evening the Committee reported they failed to reach an agreement and the management said they had nothing to arbitrate.

The object of the Council is to bring the laboring class into closer affiliation and secure better working conditions and wages for the workingmen. No one connected with the Council authorized any unlawful act.

Cross-examination:

They called a strike in this case. Our organization is not secret, our meetings are not secret. Mr. Welcher here is welcome to any meeting he wants to go to.

On April 15th we had a communication from the unions representing some of the trades working at the Foundries. We had complaints from the men themselves working at the foundry. I couldn't state the names of any employee of the foundry who made complaint. I don't know. At that meeting a couple of machinists were present who were working at the Foundries, I don't know their names. There were only two of them. I never worked for the Foundries.

73 Redirect examination:

From the reports that were made all the trades working at the foundries had their wages reduced.

Recross-examination:

I don't know that except from reports. I don't believe the Moulders were reduced. We tried to get the moulders out and they wouldn't come out and they didn't come out, but we tried to get them out.

The moulders were the only ones of the organization working there. I did no picket work.

Testimony of Edward Wade.

EDWARD WADE testified as follows:

I am a sewer man or plumber's laborer. I am Treasurer of the Central Trades Council. I did no picketing at the plant. I passed by there three or four times. I don't know whether I passed by in April, but once or twice in May. I saw no disturbance of any kind.

Cross-examination:

I am not named individually as a defendant. The three men I recognized as doing picket duty were members of labor organizations affiliated with the Central Trades Council. I suppose that they were doing the picket as endorsed by the Trades Council. I was present at the Council meeting when that was endorsed. I took no active part in it but acquiesced in what they did and consented to it.

Redirect examination:

We endorsed the action in reference to the pickets. We didn't authorize any unlawful or wrongful act. I know Wm. Thornberg. I don't think he was served in this proceeding. I don't think C. Thornberg was served. I heard McDonough say he wasn't served. I never heard of a man by the name of John Aldridge.

74 *Testimony of E. H. Taylor.*

E. H. TAYLOR testified as follows:

I am an electrician, a member of their union and of the Central Trades Council. I am on the board of trustees of the Council. Its object to promulgate the general welfare of the laboring class. I never heard of them authorizing any unlawful or wrongful act. I never heard of John Aldridge.

Cross-examination:

I was not working for the American Steel Foundries. I was present when this strike was called by the Tri-City Central Trades Council as I acquiesced in it and consented to it.

Testimony of Ed Roach.

ED ROACH testified as follows:

I am a machinist, a member of their union and reside in East St. Louis. I was in Granite City off and on ever since the strike has been called as one of the pickets. I put in time on the strike—I guess I was there every day pretty near since the strike has been called. I never seen any acts of violence committed; I was there from morning until night and never seen nothing. As a picket I just stopped those men and told them the conditions and what they were getting there, and if they wanted to go in, I let them go; and if they didn't want to I kept them out. I never assaulted anybody and didn't try to use any force to prevent anyone from going in. I was there nearly every day.

Cross-examination:

I didn't see Ishman and Churchill when they had that fight. I guess I wasn't there or I surely would have seen it. I didn't see the seven pickets assault Crabtree. I must not have been there then. I didn't see the blacksmith Freddy assaulted, I was around some place but didn't see it. I don't know who did it. I don't think it was the pickets. I wasn't there at the time of the fight on the 13th. I never saw two hundred men assault those fellows.

I haven't worked for the foundries since a year ago this month. I wasn't working and so I did picket duty the same as anyone else would. Nobody brought me there in particular, I brought myself there. I wasn't satisfied with the way the Company was treating these fellows. I didn't work there in April, 1913, but I expected to go to work there or some other plant in Granite City. I was not satisfied with the way these people were treating their men and I came all the way from East St. Louis to do picket duty.

Redirect examination:

I have been working there six times. Wasn't there in November when the plant closed down. I quit before that. They were paying

forty-four cents. In April this year they were paying all different wages; one man told me he was getting twenty-two cents.

Counsel for Defendants: I desire to read into the record the preamble, portion of the by-laws and portion of the platform of the Tri-City Trades Council.

(Here pages 139, 140, 141 of the transcript of testimony follows.)

And thereupon, counsel for defendants read as follows, to wit:—

Portion of the By-laws, etc.

"Constitution, By-laws and Rules of Order of the Tri-City Central Trades Council.

(Seal.)

Of Granite City, Madison, Venice and Vicinity.

Headquarters: Granite City, Illinois.

Preamble.

Whereas, It has been fully demonstrated by experience that organization and unity of action among working people are important and essential in order to combat the evergrowing encroachments of organized and consolidated capital; and as there are many questions effecting the interests of the working classes which cannot be dealt with in special and separate Trade and Labor Unions, and as the end can be best attained by a central labor organization, through which all branches of labor may prove allies to any particular one that may be oppressed, and all may form one brotherhood for the defense and protection of the laboring masses; therefore, be it

Resolved, That we, the delegates of the Trade and Labor Unions here represented, do hereby form the Tri-City Central Trades
76 Council of Granite City, Madison, Venice and Vicinity for the purpose of organizing and concentrating the working classes for their own mutual protection, education and social advancement, and to that end we adopt the following:

Platform.

1. To bring within the folds of organization every department of productive industry in the Tri-Cities and vicinity, and to attach them to this Union, for the purpose of securing their co-operations in defending and advancing the interests of the working classes.

2. To impress upon all employers the necessity for paying their employees the full current wages and giving preference to work to union members.

3. To settle all disputes between employers and employees in relation to wages, etc., by arbitration instead of strikes,

4. To shorten the hours of labor, thereby giving to those who are unemployed a chance to find work to support themselves and families; also giving the laborers more opportunities for self-improvement and social enjoyment. To relieve labor of the competition of inmates of prisons and reformatory institutions, and of children under sixteen years of age, who should be at school; to provide for the inspection of factories, mines and tenement houses, with a view to securing proper safeguards to health, life and limb; to enact lien laws whereby the labor- should be assured of payment for his toil; to properly educate children, by compelling them to attend school and furnishing text books free; to abolish all laws which discriminate against labor, and to enact into laws measures which would tend to elevate and improve the condition of the working masses, and to see that such laws enacted are enforced.

5. To examine and discuss all questions affecting the interests of working classes, and take such action as will tend to improve their condition.

7. To assist each other in securing fair remuneration for labor and forcing recognition of our rights as free citizens, to join and participate in any organization not in violation of the fundamental laws of the land, and enforce that right, by withdrawing and using out utmost influence to induce others to withdraw all patronage from all employers who seek to control the mind as well as the labor of the workers.

* * * * * * *

"

Constitution.

Article 1.

Section 1. This organization shall be known as the Tri-City Central Trades Council of Granite City, Madison, Venice and Vicinity; headquarters, Granite City, Ill.

Section 2. This Tri-City Central Trades' Council shall be composed of delegates from trades and labor unions affiliated either with a national or international union of their trade, or the American Federation of Labor.

Officers—Their Duties.

Section 3. The officers of this Council shall consist of a president, Vice President, Secretary, Treasurer, three Trustees and Sergeant-at-Arms. No two of the above officers shall be members of the same local union.

* * * * * * *

Defendants rest.

And this was all the evidence introduced by either party.

Statement by the Court.

And thereupon, at the close of all the testimony, the Court made the following remarks:

The law is very well settled, I think so well settled that there can be no dispute with the Court or between counsel, as to the rights of the parties. It is not a new question; not so old in this country as in Europe; but still it is not a new question even in this country.

Men have a right to combine their capital and create artificial bodies for the carrying on of great works, works so great no one man could do it. That is a combination. The law recognizes it. It is legal. The progress of the world has been marked more among the nations which permit this combination than anywhere else in the world.

In order to carry on these great works, something besides capital is necessary. Something more important than capital; something more human than capital; something that touches the people more tenderly than capital. That is labor. So the law provides, wisely provides that a man who has labor to sell may combine with his fellows for the purpose of helping his own condition, or getting more for the commodity which he brings to the public service than he would if he were not organized and that brings us near to the point of conflict. The Manufacturer, the corporation, has work to
78 do. It offers a price, the price which in its judgment, the market would justify. The man or men who have the labor to sell try to meet that price. They can not do it always. They say we will exercise the privilege, which the law gives us, to refuse to work for you. A and B join with C, D, E, and F, and they have a right to do that and say they won't work for you individually, or in a body. Now that is a lawful right; but the very statement of that right contemplates that any other man, or any other body of men organized or unorganized, has a right to sell his or their labor at the price offered if he wants to.

Now you see how absurd it would be to affirm one of these doctrines and disaffirm the other. The very basis of law on which the labor union exists contemplates that the man who does not belong to the labor union has the same right to exercise his own judgment as to the price at which he will sell his labor. When you consider all these things, the man's home necessities, the man's wants, the size of his family, his condition in life, whether or not he has a nest egg laid away, whether or not he has a bank account, is the controlling feature with him. One man moves from one motive and refuses; another man moves from another motive and says, "yes, I will work at the price you offer; the wages are satisfactory and the conditions are satisfactory." Then we are up to the time when the law is called upon to decide whether the man or the group, which refused to work shall say that the man who wants to work shall not work. You see what an absurdity it would be to affirm that doctrine.

This bill is brought upon a theory different from most of the bills

in the books. This bill charges a combination, a conspiracy. The purport of that combination is to prevent this complainant from running that factory unless it runs it at a certain scale of wages. Now such a combination is unlawful. Extend that doctrine to the other trades of life, where the thing to be bought and sold is not labor. You see where you would land. Everything we eat and everything we wear has been so high in recent years as to confound and confuse some of us almost to the verge of madness. Suppose Mr. Wheeler and Mr. Smith and I should combine and say to the merchant who sells groceries he should sell them to us at a lower price and that he shall not do business unless he does it. Do you think any law could sanction that? Do you think it would help us any when we were defeated on the doctrine to say that we 79 will be satisfied if he will arbitrate the price of sugar and coffee and let us call in a lot of fellows to say what they will be sold at? Do you see how absurd all that is? Everything of that nature takes away an important doctrine upon which the American government rests; viz: the freedom of the individual to contract. If a man has anything to sell—suppose a farmer has a load of hogs, fat and fine, and the middle man wouldn't give him what he thinks they are worth. He says we will just arbitrate this matter; call in the other farmers in the township and let them arbitrate how much you should pay for hogs. Suppose the grain man should be met with that doctrine by the grain growers. You men should put yourselves in the position of having something to sell which the other man wants to buy, and since the beginning of government there is no other way. You only make progress where your minds agree. You can't do things by compulsion. You can't do things by combining to compel the other fellow to make a different contract from the one he wants to make. We wouldn't be a republic if we did that. We would not be a democracy if we did that. The very idea of your right to combine for proper purposes contemplates, presupposes, that the men who does not agree with you and who does not belong to your combination shall have the same right to work at a different rate. Now that is the law and there is no other view to take of it. This evidence clearly shows that this union, this trades council, by the testimony of its officers entered upon the work of preventing this complainant from getting men to run its factory, run its plant, except upon the condition that it pay a certain scale, the November scale. That combination was illegal. They hadn't any right to do it. When the company several months later undertook to run on a different scale of wages they contracted with certain men, who did not belong to the union, to work for them. These men have said upon the stand they were willing to work; the wages were satisfactory; the conditions were satisfactory, but that they didn't work because they were afraid of the defendants.

Now a man who doesn't want to work at a certain wage has a right to withdraw; another man who does want to work under those conditions and for those wages has an equal right to work without being interrupted and the first man shall not interfere with the second.

Work is the condition of us all. No man is of any account in this world without it; no matter what character the work may be.

We are all workers or we are no good. Every man must judge
80 for himself as to the contract of labor which is satisfactory for him. He may work, or he may decline to work, but he shall not interfere with his neighbor who desires to work, for the government will protect such neighbor and a government that will not protect such a man isn't fit to live, and in my judgment, will not permanently endure.

The proof here sustains the averments of the bill as to the illegal combinations; such a combination can not have the sanction of the law. The purpose being illegal, any act done in furtherance of the purpose is alike illegal whether that act be violent or peaceful.

However, speaking upon this question, I should say a word about picketing. There is no such thing as peaceful picketing. You might as well talk about peaceful violence. You may as well think of peaceful war as peaceful picketing. Considerable experience in this position and having these cases frequently before me has taught me that there is no such thing as peaceful picketing. Some of the Courts, in an early day, possibly some yet, talk about peaceful picketing. You have a right to talk to your neighbor about working; talk to him about the conditions under which he is working; talk to him about the strike; talk to him about all those things if he wants to talk to you. Well if he is willing to talk to you, you don't need to be a picket to get up to him. You don't need to line the streets with an unusual force which will frighten him as he comes by, because if he wants to talk to you, there is no trouble to get him. You can get to him in the morning, or in the evening, or at the lunch hour, or in the shop, if you please. If he wants to see you, it is no trouble to get to him; if he doesn't want to see you, you have no right to get to him. Now that is the law and you see where picketing lands when you adopt that doctrine. The whole purpose of picketing, as I have observed it in these coal controversies, railroad strikes, which are infinitely worse than your little matter, the whole purpose is to make such show of force the man will be intimidated before he gets to you. There could be no other purpose in it because if it is peaceful, if you are only going to speak to a man who wants you to speak to him, you don't need a force of fellows to go with you.

Counsel for complainant may prepare an order finding the averments of the bill sustained and extending the injunction, making the restraining order an injunction against the union, its officers and all other persons who have had any part, as shown by the evidence in the execution of the unlawful combination.

81 The injunction may go this much further, it may prohibit absolutely picketing for the purpose of executing this unlawful purpose. It may extend also to all persons who shall engage in helping or abetting the unlawful combination whether the knowledge came to them before or after the issuing of this injunction. Let the injunction be printed and posted liberally in the vicinity of the works.

Perhaps I ought to say to you gentlemen who are the officers of the defendant union, that the Court regards it as your duty to explain to those who are not here and to those who are here, if necessary, just what the purpose of this order is, and that it is their duty to obey it, for the Court will find some means of enforcing its order.

Mr. Smith: I think these gentlemen will desire that I appeal this case. What amount of bond will *we* be required?

Court: The injunction doesn't injure anybody and wouldn't subject anybody to damages, because it simply provides that you shall not interfere with another man's business and I have observed as I have gone along through life a great many men have been very successful by simply attending to their own business. Now all this injunction does is, to say that you shall let other men's business alone; no man is enjoined from attending to his own business, but interfering with other people's business is illegal in this case; therefore, as no injury is being done by the injunction and there will be nothing except costs, I suppose a $500 bond will be sufficient.

The foregoing is a true and complete record of the abstract of testimony and proceedings in the hearing of said cause.

Forasmuch, as the said testimony and said several proceedings and matters of exception do not appear of record in said cause, this Certificate of Evidence is presented to the Court by the defendants, with the prayer that the same may be signed and sealed by the Court here, which is done accordingly this 4th day of August, 1914.

HUMPHREY,
Judge of the District Court of the United States, Southern District of Illinois.

Indorsed: Abstract of Evidence. Filed August 4th, 1914. R. C. Brown, Clerk.

82 *Decree of June 9, 1914.*

And afterwards, to wit: on the 9th day of June A. D. 1914, the following further proceedings were had in said Court in said cause and were entered of record, to wit:—

UNITED STATES OF AMERICA,
Southern District of Illinois,
Southern Division:

In the United States District Court, June Term, A. D. 1914.

TUESDAY, June 9th, 1914.

Court met pursuant to adjournment.
Present, the Honorable J. Otis Humphrey, Judge.

In Equity. No. 14.

AMERICAN STEEL FOUNDRIES, a Corporation, Complainant,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, Defendants.

For Injunction.

Final Decree.

This cause came on to be heard at this Term on the 9th day of June, A. D. 1914, and was argued by counsel; and thereupon, upon consideration thereof, it was Ordered, Adjudged and Decreed as follows, viz:

That the restraining order heretofore issued on May 18th, 1914, and which on May 28, 1914, was continued in force as a temporary injunction, be and is hereby made permanent as to all of said defendants, with the exception of the defendant C. L. Burton, and as to the said C. L. Burton the said restraining order and temporary injunction be and is hereby vacated.

It is further Ordered, Adjudged and Decreed by the Court that the said defendants, the Tri-City Central Trades Council, its officers and agents and Harry McKenny, Ted Ishmann, Earl Gallo-
83 way, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough, and C. E. Gerlich and each of them and all persons combining with, acting in concert with or under their direction, control or advice, or under the direction, control or advice of any of them and all persons whomsoever be and are hereby perpetually restrained and enjoined from in any way or manner whatsoever by use of persuasion, threats, or personal injury, intimidation, suggestion of danger or threats of violence of any kind, from interfering with, hindering, obstructing or stopping, any person engaged in the employ of the American Steel Foundries in connection with its business or its foundry in the City of Granite City, County of Madison, State of Illinois, or elsewhere; and from

interfering by persuasion, violence or threats of violence in any manner with any person desiring to be employed by said American Steel Foundries in its said foundry or plant; and from inducing or attempting to compel or induce by persuasion, threats, intimidation, force or violence or putting in fear or suggestions of danger any of the employees of the American Steel Foundries or persons seeking employment with it so as to cause them to refuse to perform any of their duties as employees of the American Steel Foundries; and from preventing any person by persuasion, threats, intimidation, force or violence, or suggestion of danger or violence, from entering into the employ of said American Steel Foundries; and from protecting, aiding or assisting any person, or persons in committing any of said acts; and from assembling, loitering or congregating about or in proximity of the said plant or factory of the American Steel Foundries for the purpose of doing, or aiding or encouraging others in doing, any of the said unlawful or forbidden acts or things; and from picketing or maintaining at or near the premises of the complainant, or on the streets leading to the premises of said complainant, any picket or pickets, and from doing any acts or things whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct, or interfere with said American Steel Foundries, its officers, agents or employees, in the free and unrestrained control and operation of its plant, foundry and property and the operation of its business; and also from ordering, directing, aiding, assisting or in any manner abetting any person committing any or either of the acts aforesaid; and also from entering upon the grounds, foundry or premises of the American Steel Foun-
84 dries without first obtaining its consent; and from injuring or destroying any of the property of the said American Steel Foundries.

It is Further Ordered, Adjudged and Decreed that the complainant shall cause not less than One Hundred printed copies of this Final Decree to be posted in conspicuous places about and in the vicinity of its said plant at Granite City, Illinois; that the affidavit of the agent of the complainant so posting said notices shall be filed in the Clerk's Office stating when and where such notices were posted, and such affidavit shall be prima facie proof of the posting of such notices at such time and places as shall be therein stated.

It Is Further Ordered, Adjudged and Decreed that this injunction shall be binding upon each and all of the above mentioned defendants and upon all other persons from and after the date of this decree.

It Is Further Ordered, Adjudged and Decreed that the defendants pay the costs of the above entitled cause to be taxed by the Clerk.

J. O. HUMPHREY,
Judge United States District Court for the Southern District of Illinois.

Order of June 9, 1914.

And afterwards, to wit: on the 9th day of June A. D. 1914, the following further proceedings were had in said Court in said cause and were entered of record, to wit:—

TUESDAY, June 9th, 1914.

Court met pursuant to adjournment,
Present, the Honorable J. Otis Humphrey, Judge.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL et als.

And now on this 9th day of June A. D. 1914, comes the defendants hereby by Frank C. Smith, Esq., their solicitor and on his motion, appeal to the United States Circuit Court of Appeals for the Seventh Judicial Circuit, is allowed, bond on appeal in the sum of $500.00 to be filed in thirty days and certificate of evidence to be filed within sixty days from the date hereof.

85 *Affidavit, etc.*

And afterwards, to wit: on the 23rd day of June, A. D. 1914, there was filed in the office of the Clerk of this Court a certain affidavit of Posting Decree, which said Affidavit was and is in the words and figures, following, to wit:

UNITED STATES OF AMERICA,
Southern District of Illinois,
Southern Division:

In the United States District Court, June Term, A. D. 1914.

In Equity.

AMERICAN STEEL FOUNDRIES, a Corporation, Complainant,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED ISHMANN, EARL GALLOWAY, WILLIAM THORNBERG, C. THORNBERG, TOM CHURCHILL, CLAY HOLMES, C. L. BURTON, EDDIE ROACH, JOHN ALDRIDGE, ISAAC COOK, BENJ. F. LAMB, J. P. MCDONOUGH, and C. E. GERLACH, Defendants.

For Injunction.

Robert D. Pettit being first duly sworn on his oath states that he resides at 2414 G Street, Granite City, Illinois; that he was employed by the American Steel Foundries as its agent for the purpose of posting printed copies of the Final Decree of the said Court in the above entitled cause.

This affiant further states that he did, on the 18th day of June, A. D. 1914, post one true and correct printed copy of said Final Decree in each of the following places, in the City of Granite City, Illinois, viz:

1. Post of North Gate entering plant of American Steel Foundries.

2. Electric Light post near north gate and between tracks entering yard.

3. Telephone post ten yards west of Time Office entrance to Corn Products Refining Co.

4. Telegraph post 35 yards south of C. & A. Depot between north- and south-bound tracks.

5. Telegraph post along Terminal tracks ten yards from American Steel Foundries' fence and opposite east end of Cleaning & Machining Department.

6. Gate post at main railroad lead into plant, American Steel Foundries.

7. Telegraph post ten yards from above.

8. Telegraph post along switch of Terminal Railroad and opposite east end of Molding Department and 25 yards from fence.

9.)
10.)
11.) Outside wall of Time Office and Facing east.
12.)
13.)

14. Telegraph post west of freight office, Terminal Railroad and along end of switch track.

15. Telephone post North side Pacific Ave. and opposite old office of Luster Coal Co.
16. Telephone post along east fence and opposite Cleaning & Machining Wheel Department.
17. Electric light post north side Pacific Ave. and opposite C. & A. connection.
18.)
19.) Telegraph post along Pacific Avenue and south fence at
20.) high line.
21. Side gate house.
22. Northeast corner Walnut and Pacific Telegraph post.
23. Gate to dispensary West side.
24. Electric light post west side plant opposite reservoir.
25. West fence Corn Products Refining Co. Ten yards from northwest corner American Steel Foundries.
26. Telephone pole at South-west corner Washington School.
27. Telegraph pole 30 yards west of intersection of 19th and 20th St.
28. Pole north side 20th St. opposite entrance to H. C. Meyer's saloon.
29. Telephone pole northwest corner 20th & Dewey northwest.
30. Telephone pole northwest corner 20th & Illinois.
31. Telephone pole northwest corner 20th & Missouri.
87 32. Telephone pole on 20th St. in front of office of Granite City Lime & Cement Co.
33. Southeast corner 20th & A St. in front of Coudy Bros. on pole.
34. Pole, southwest corner 20th & B Sts.
35. Pole southwest corner 19th & B St.
36. Pole southeast corner 19th & B St.
37. Pole northwest corner Niedringhaus & B.
28. Pole northeast corner Niedringhaus & A.
39.) Poles at Wabash Depot on Niedringhaus Ave.
40.)
41. Pole corner at Lauff's Hotel, entrance to bar.
42. Pole corner 19th & D, opposite Cool's restaurant.
43. Pole corner 19th & D at Granite City National Bank.
44. Pole corner 19th & E St., (northwest corner) Life's Drug Store.
45. Pole south side 19th St. at Washington Theatre.
46. Pole southwest corner 19th & State, Faust Buffet.
47. Pole northeast corner 19th and State, Elks' Bar.
48. Pole southwest corner 19th & G St.
49 Pole southeast corner 20th & G St.
50. Pole northwest corner Niedringhaus & G St.
51. Pole northeast corner 22d & G St.
52. Pole northwest corner 23 & G St.
53. Pole northeast corner 22rd & Madison, Power Station.
54. Pole southeast corner 22d & Washington Ave.
55. Pole northeast corner Niedringhaus & Madison, Junction.
56. Pole southwest corner Niedringhaus & State St.
57. Pole southwest corner Niedringhaus & E St.

58. Northeast corner Niedringhaus & D St.
59. Southeast corner Niedringhaus & D St.
60. Northeast corner 18th & D St.
61. Northeast corner 17th & D St.
62. Northwest corner 17th & State St.
63. Southwest corner 18th & State St.
64. Southwest corner 20th & State St.
65. Southwest corner 21st & State St.
66. Northwest corner 22d & State St.
67. Southwest corner 23d & State St.
68. Southwest corner 23d & E Street.
69. Southwest corner 23d & D Street.
70. Southeast corner 22d & D Street.
71. Northeast corner 21st & D St.
72. Northeast corner 20th & D St.
73. Southwest corner 20th & C St.
74. Northeast corner 21st and C St.
75. Southeast corner 22 & C St.
76. Southwest corner 23d & C St.
77. Southeast corner 23d & B St.
78. Northeast corner 22d & B St.
79. Northeast corner 21st & B St.
80. Northeast corner 21st & A St.
81. Northwest corner 21st & A St.
82. Northeast corner 20th & A St.
83. Northwest corner 20th & A St.
84. Southeast corner 18th & C St.
85. Northeast corner 17th & C St.
86. Northeast corner 16th & C St.
87. 16th & Railroad opposite box factory National Enameling & Stamping Company.
88. Pole northwest of office, Commonwealth Steel Co.
89. Northeast corner Pacific Ave. & Chestnut St.
90. Southwest corner Pacific Ave. & Chestnut St.
91. Northwest corner Pacific Ave. & Olive St.
92. Southwest corner Pacific Ave. & Spruce St.
93. West fence American Steel Foundries, opposite fuel oil tanks.
94. Southwest corner Illinois Ave. and 21st St.
95. Southeast corner Illinois Ave. & 22d St.
96. Northeast corner Illinois Ave. & 23d St.
97. Northwest corner 20th & R. R. Crossing.
98. Southwest corner 20th & railroad crossing.
99. Southwest corner 19th & railroad crossing.
100. Opposite flagging shanty, Niedringhaus & Railroad crossing.
101. South side Pacific Ave. opposite compton Saloon, that each of said places was a conspicuous place, and that each of said notices was conspicuously posted, and that each of said notices was about or in the vicinity of the said plant of the American Steel Foundries in Granite City, Illinois; that the printed copy of the Final Decree hereto annexed is a true and correct copy of each of said copies so posted.

ROBERT D. PETTIT.

89 STATE OF ILLINOIS,
County of Madison, ss:

Before me, a Notary Public, in and for the said County and State appeared the above named Robert D. Pettit, personally known to me to be such person, who being first duly sworn on his oath states that the matters and things in the foregoing affidavit are true of his own knowledge.

WM. P. ANSON,
[L. S.] *Notary Public.*

Indorsed: Aff'd't of Posting Decree. Filed Jun- 23, 1914. R. C. Brown, Clerk.

Final Decree.

UNITED STATES OF AMERICA,
Southern District of Illinois,
Southern Division:

In the United States District Court, June Term, A. D. 1914.

In Equity.

AMERICAN STEEL FOUNDRIES, a Corporation, Complainant,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, Defendants.

For Injunction.

Final Decree.

This cause came on to be heard at this Term on the 9th day of June, A. D. 1914, and was argued by counsel; and thereupon, upon consideration thereof, it was Ordered, Adjudged and Decreed as follows, viz:

That the restraining order heretofore issued on May 18th,
90 1914, and which on May 28, 1914, was continued in force as a temporary injunction, be and is hereby made permanent as to all of said defendants, with the exception of the defendant C. L. Burton, and as to the said C. L. Burton the said restraining order and temporary injunction be and is hereby vacated.

It is further Ordered, Adjudged and Decreed by the Court that the said defendant, the Tri-City Central Trades Council, its officers and agents and Harry McKenny, Ted Ishmann, Earl Galloway,

William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough, and C. E. Gerlich and each of them and all persons combining with, acting in concert with or under their direction, control or advice, or under the direction, control or advice of any of them and all persons whomsoever be and are hereby perpetually restrained and enjoined from in any way or manner whatsoever by use of persuasion, threats, or personal injury, intimidation, suggestion of danger or threats of violence of any kind, from interfering with, hindering, obstructing or stopping, any person engaged in the employ of the American Steel Foundries in connection with its business or its foundry in the City of Granite City, County of Madison, State of Illinois, or elsewhere; and from interfering by persuasion, violence or threats of violence in any manner with any person desiring to be employed by said American Steel Foundries in its said foundry or plant; and from inducing or attempting to compel or induce by persuasion, threats, intimidation, force or violence or putting in fear or suggestions of danger any of the employees of the American Steel Foundries or persons seeking employment with it so as to cause them to refuse to perform any of their duties as employees of the American Steel Foundries; and from preventing any person by persuasion, threats, intimidation, force or violence, or suggestion of danger or violence, from entering into the employ of said American Steel Foundries; and from protecting, aiding or assisting any person, or persons in committing any of said acts; and from assembling, loitering or congregating about or in proximity of the said plant or factory of the American Steel Foundries for the purpose of doing, or aiding or encouraging others in doing, any of the said unlawful or forbidden acts or things; and from picketing or maintaining at or near the premises of the complainant, or on the streets leading to the premises of said complainant, any picket or pickets, and from doing any acts or things whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct, or interfere with said American Steel Foundries, its officers, agents or employees, in the free and unrestrained control and operation of its plant, foundry and property and the operation of its business; and also from ordering, directing, aiding, assisting or in any manner abetting any person committing any or either of the acts aforesaid; and also from entering upon the grounds, foundry or premises of the American Steel Foundries without first obtaining its consent; and from injuring or destroying any of the property of the said American Steel Foundries.

It Is Further Ordered, Adjudged and Decreed that the complainant shall cause not less than One Hundred printed copies of this Final Decree to be posted in conspicuous places about and in the vicinity of its said plant at Granite City, Illinois; that the affidavit of the agent of the complainant so posting said notices shall be filed in the Clerk's Office stating when and where such notices were posted, and such affidavit shall be prima facie proof of the posting of such notices at such time and places as shall be therein stated.

It Is Further Ordered, Adjudged and Decreed that this injunction shall be binding upon each and all of the above mentioned defendants and upon all other persons from and after the date of this decree.

It Is Further Ordered, Adjudged and Decreed that the defendants pay the costs of the above entitled cause to be taxed by the Clerk.

J. O. HUMPHREY,
Judge United States District Court for the Southern District of Illinois.

UNITED STATES OF AMERICA,
Southern District of Illinois, ss:

I, R. C. Brown, Clerk of the District Court of the United States for the Southern District of Illinois, do hereby certify that the above and foregoing is a true and complete copy of the Decree entered in the cause wherein the American Steel Foundries is complainant, and the Tri-City Central Trades Council and others are the defendants, as the same appears from the records and files now in my office remaining.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said United States District Court at my office
92 in Springfield, Illinois, in said District, this 16th day of June, A. D. 1914.

R. C. BROWN,
Clerk.

Order of July 7, 1914.

And afterwards, to wit: on the 7th day of July, A. D. 1914, the following, further proceedings were had in said Court in said cause and were entered of record, to wit:—

In the United States District Court for the Southern District of Illinois. June Term, A. D. 1914.

No. 14.

AMERICAN STEEL FOUNDRIES, Complainant,

vs.

TRI-CITY CENTRAL TRADES COUNCIL et al., Defendants.

Appeal from the Southern District of Illinois to the United States Circuit Court of Appeals for the Seventh Circuit.

Cost Deposit: Security Order.

The defendants herein having filed a petition to appeal this case to the United States Circuit Court of Appeals for the Seventh Circuit, to

reverse the decree entered herein, on the 9th day of June, 1914; it is hereby ordered that the defendants, or either of them deposit five hundred dollars ($500), in lawful money of the United States, with the clerk of this court, in lieu of a bond, as security for the costs of said appeal.

Dated July 7, 1914.

HUMPHREY,
Judge.

Certificate of Deposit.

I do hereby certify that there has been deposited with me this date, the sum of $500, lawful money of the United States, as provided for by the above order.

July 7, 1914.

R. C. BROWN,
Clerk of said Court.

Filed Jul- 7, 1914. R. C. Brown, Clerk.

93 Filed July 7, 1914.

And afterwards, to wit: on the 7th day of Juy A. D. 1914, there was filed in the office of the Clerk of this Court a certain Petition for Appeal, which said Petition was and is in the words, figures, following, to wit:—

In the United States District Court, Southern District of Illinois, June Term, A. D. 1914.

In Equity.

AMERICAN STEEL FOUNDRIES, Complainant,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, Defendants.

Petition for Appeal.

To the Honorable Judge of said Court:

The above named defendants, deeming themselves aggrieved by the decree made and entered in the above entitled cause on the 9th day of June, 1914, hereby appeal from the sail Order and Decree to the United States Circuit Court of Appeals, for the Seventh Circuit, for the reasons specified in the assignment of errors filed herewith, and said defendants pray that this appeal may be allowed and that a transcript of the record, proceedings, and papers, upon which said order and decree was made, duly authenticated, may be sent

to the United States Circuit Court of Appeals, for the Seventh Circuit.

Dated July 7, 1914.

F. C. SMITH,
Solicitor for Defendants.

Filed Jul- 7, 1914. R. C. Brown, Clerk.

94 And afterwards, to wit: on the 7th day of July A. D. 1914, there was filed in the office of the Clerk of this Court a certain assignment of errors, which said assignment of errors was and is in the words and figures, following, to wit:

In the United States District Court, Southern District of Illinois, June Term, A. D. 1914.

In Equity.

AMERICAN STEEL FOUNDRIES, Complainant,

vs.

TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, Defendants.

Appeal from the District Court to the U. S. Circuit Court of Appeals, Seventh Circuit.

Assignment of Errors.

And now on this 7th day of July, 1914 came the above named defendants, Tri-City Central Trades Council, Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, and say that the decree made and entered herein on the 9th day of June, 1914, granting the injunction prayed for in the bill, is erroneous, and against the just rights of said defendants, for the following reasons:

First. The Court was *y*ithout jurisdiction to hear and determine said cause.

Second. The cause was not one arising under the constitution, or the act of Congress.

Third. The Court erred in not dismissing complainant's bill.

Fourth. The decree is not supported by the evidence.

95 Fifth. Because as it appears from the record in this cause, complainant was not entitled to the injunction granted in said interlocutory order or decree, and its application for same should have been refused, and the restraining order theretofore granted therein, should have been dissolved. And complainant was not entitled to a permanent injunction as set forth in such final decree.

Sixth. Because, as it appears from the record in this cause neither the defendants, nor their agents, servants, or attorn-ys had, prior to the said decree, in any way interfered with the operation of the Foundry in question, nor did the defendants or either of them in any manner interfere, or attempt to interfere with the men employed at such foundry.

Seventh. Because, the said defendant, Tri-City Central Trade Council did not through its officers, agents or attorneys threaten any of the employees of said foundry with violence, or threaten them with bodily injury; nor did said other defendants threaten any of said employees of said foundry with any violence.

Eighth. Because the complainant was not entitled to an injunction prohibiting the defendants while on the streets of Granite City or while in proximity to such foundry, from trying to persuade strike breakers from taking the places of the strikers.

Ninth. Because the complainant was not entitled to an injunction prohibiting the defendants from stopping employees of complainant and suggesting to them that they should not work at such plant while a strike was on.

Tenth. Because the complainant was not entitled to an injunction prohibiting the defendants from assembling, or congregating, in proximity of said foundry, or on the streets leading to such foundry.

Eleventh. Because the complainant was not entitled to an injunction prohibiting the defendants from placing any picket, or pickets, upon the streets leading to such foundry, whose duty it was to notify those entering said foundry that there was a strike on.

Twelfth. Because the findings of the Court are too general and deprive the defendants of rights guaranteed to them by the constitution of the United States.

Wherefore, the said defendants pray that the said decree be reversed, and that said District Court of the United States for
96 the Southern District of Illinois, may be directed to enter a decree dissolving and vacating the injunction granted by it under said decree.

THE TRI-CITY CENTRAL TRADES COUNCIL,
HARRY McKENNY,
TED ISHMANN,
EARL GALLOWAY,
WILLIAM THORNBERG,
C. THORNBERG,
TOM CHURCHILL,
CLAY HOLMES,
C. L. BURTON,
EDDIE ROACH,
JOHN ALDRIDGE,
ISAAC COOK,
BENJ. F. LAMB,
J. P. McDONOUGH, and
C. E. GERLICH,
By F. C. SMITH, *Solicitor.*

Enter.

—— ——, *Judge.*

Filed, Jul- 7, 1914. R. C. Brown, Clerk.

And afterwards, to wit: on the 7th day of July A. D. 1914, the following further proceedings were had in said Court in said cause and were entered of record to wit:—

97 In the District Court of the United States for the Southern District of Illinois, Southern Division.

TUESDAY, July 7th, 1914.

Court met pursuant to adjournment.

Present, the Honorable J. Otis Humphrey, Judge.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL et als.

Bill for Injunction.

Order Granting Appeal, Etc.

Now come the defendants, by their solicitor, and file an Assignment of Errors and Petition praying an appeal to the United States Circuit Court of Appeals for the Seventh Circuit from the order and decree rendered herein, and thereupon it is ordered:

That said appeal be granted upon said defendants giving a deposit in the sum of $500.00, and thereupon defendants tender a draft for the said sum of $500.00 in lieu of bond, which is accepted by the Court, and that a citation be issued citing and admonishing said complainant to be and appear in said Circuit Court of Appeals within thirty days from the date this order is signed by the Judge.

July 7th, 1914.

Filed, July 7, 1914. R. C. Brown, Clerk.

And afterwards, to wit: on the 4th day of August A. D. 1914, there was filed in the office of the Clerk of this Court a certain Præcipe for record, which said præcipe, was and is in the words and figures, following, to wit:—

98 Filed Aug. 4, 1914.

In the United States Court, Southern District of Illinois.
June Term, 1914.

Equity.

AMERICAN STEEL FOUNDRIES, Appellee,

vs.

THE TRI-CITY CENTRAL TRADES COUNCIL, et al., Appellant.

Appeal.

To the Clerk of said Court:

You will please prepare transcript of record in the above entitled cause and incorporate therein the following:

First. Bill of complaint.
Second. Motion for temporary injunction.
Third. Order setting same.
Fourth. Restraining order.
Fifth. Chancery Subpœna and return.
Sixth. Order continuing hearing.
Seventh. Defendant's answer.
Eighth. Replication to answer.
Ninth. Trial of cause in part.
Tenth. Abstract of evidence.
Eleventh. Decree.
Twelfth. Affidavit of posting of final decree.
Thirteenth. Order fixing bond on appeal, etc.
Fourteenth. Cash deposit order in lieu of bond.
Fifteenth. Petition for appeal.
Sixteenth. Assignment of errors.
Seventeenth. Order allowing appeal.
Eighteenth. Citation.
Nineteenth. Certificate of Clerk.

F. C. SMITH.
Solicitor for Appellants.

Indorsed: Præcipe for record etc., Filed Aug. 4, 1914, R. C. Brown, Clerk.

99 *Order of Aug. 5, 1914.*

And afterwards, to wit: on the 5th day of August A. D. 1914, the following further proceedings were had in said Court in said cause and were entered of record to wit:—

WEDNESDAY, August 5th, 1914.

Court met pursuant to adjournment,

Present, the Honorable J. Otis Humphrey, Judge.

No. 14. In Equity.

AMERICAN STEEL FOUNDRIES

vs.

TRI-CITY CENTRAL TRADES COUNCIL et als.

And now on this 5th day of August A. D. 1914, comes the defendants in this cause by Frank C. Smith, Esq., their solicitor and on his motion it is ordered by the Court that the said defendants time in which to file the transcript of record in this cause in the United States Circuit Court of Appeals, be and the same is hereby extended to sixty days from the 7th day of July, A. D. 1914.

Certificate of Clerk.

UNITED STATES OF AMERICA,
Southern District of Illinois,
Southern Division, ss:

I, R. C. Brown, Clerk of the District Court of the United States for the Southern District of Illinois, and keeper of the records and seals thereof, do hereby certify the foregoing to be a true and complete copy of all papers filed and proceedings had in a certain cause lately determined in this Court, wherein American Steel Foundries was complainant and The Tri-City Central Trades Council, et als. were defendants, (and mentioned in the foregoing praecipe for record), as fully as the same now appear on file and of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, at Springfield, in said District, this 18th day of August, A. D. 1914.

R. C. BROWN,
Clerk.

[SEAL.]

100 *Citation and Service.*

And afterwards, to wit: on the 15th day of July, A. D. 1914, there was filed in the office of the Clerk of this Court a certain Citation and Service thereon, which said Citation, was and is in the words and figures, following, to wit:—

THE UNITED STATES OF AMERICA, *ss:*

The President of the United States to American Steel Foundries, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals, for the Seventh Circuit, to be holden at Chicago, in the State of Illinois, within thirty days from the date hereof, pursuant to an Order Allowing an Appeal, entered in the Clerk's Office of the District Court of the United States for the Southern District of Illinois, wherein The Tri-City Central Trades Council, Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, are complainants and appellants and you are defendant and appellee, to show cause, if any there be, why the Judgment rendered against the said appellant in error as in the said Order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable J. Otis Humphrey, Judge of the District Court of the United States, this 7th day of July, in the year of our Lord one thousand nine hundred and fourteen.

HUMPHREY,
U. S. District Judge.

Service of above Citation accepted this 14th day of July, 1914.
WM. E. WHEELER,
Solicitor for American Steel Foundries.

Indorsed: Citation and Service thereon. Filed Jul- 15, 1914. R. C. Brown, Clerk.

101 United States Circuit Court of Appeals for the Seventh Circuit.

I, Edward M. Holloway, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing printed pages, numbered from 1 to 100, inclusive, contain a true copy of the printed record, printed under my supervision, and filed October 27th, 1914, on which this cause was argued, heard and determined in the case of The Tri-City Central Trades Council et al. vs. American Steel Foundries No. 2157, October Term, 1913, as the same remains upon the files and records of the United States Circuit Court of Appeals, for the Seventh Circuit.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this twenty-sixth day of February, A. D. 1917.

[Seal United States Circuit Court of Appeals, Seventh Circuit.]

EDWARD M. HOLLOWAY,
Clerk of the United States Circuit Court
of Appeals for the Seventh District.

102 At a Regular Term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held at the United States Court Room, in the City of Chicago, in said Seventh Circuit on the seventh day of October, 1913, of the October Term in the year of our Lord, one thousand nine hundred and thirteen, and of our Independence the one hundred and thirty-eighth year.

And afterwards, to-wit: On the twenty-sixth day of August, 1914, in the October term last aforesaid, came the appellee, by its counsel, Mr. Wm. E. Wheeler, and filed in the office of the Clerk of this Court his appearance, which appearance is in the words and figures following, to-wit:

United States Circuit Court of Appeals for the Seventh Circuit,
October Term, 1913.

No. 2157.

THE TRI-CITY CENTRAL TRADES COUNCIL et al., Appellants,

vs.

AMERICAN STEEL FOUNDRIES, Appellee.

The Clerk will enter my appearance as counsel for the Appellee.

WM. E. WHEELER.

Endorsed: Filed Aug. 26, 1914. Edward M. Holloway, Clerk.

At a Regular Term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held in the United States Court Room, in the City of Chicago, in said Seventh Circuit on the sixth day of October, 1914, of the October Term in the year of our Lord, one thousand nine hundred and fourteen, and of our Independence the one hundred and thirty-ninth year.

103 And afterwards, to-wit: On the thirtieth day of December, 1914, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Stipulation, which said Stipulation is in the words and figures following, to-wit:

In the United States Circuit Court of Appeals, January Term, 1915.

Appeal No. 2157.

TRI-CITY CENTRAL TRADES COUNCIL et al., Appellants,

vs.

AMERICAN STEEL FOUNDRIES, Appellee.

It is hereby stipulated that the above entitled cause may be set down for oral argument, in said Court on Tuesday, Jan. 19, 1915.
Dated East St. Louis, Ill., Dec. 24, 1914.

F. C. SMITH,
Attorney for Appellants.
WM. E. WHEELER,
Attorney for Appellee.

Endorsed: Filed Dec. 30, 1914. Edward M. Holloway, Clerk.

And afterwards, to-wit: On the fifth day of January, 1915, in the October Term last aforesaid, the following further proceedings were had and entered of record, to-wit:

TUESDAY, January 5, 1915.

Court met pursuant to adjournment and was opened by proclamation of Crier.

194 Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. William H. Seaman, Circuit Judge.
Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Julian W. Mack, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Francis E. Baker, Circuit Judge.
Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Julian W. Mack, Circuit Judge.

2157.

THE TRI-CITY CENTRAL TRADES COUNCIL et al.

vs.

AMERICAN STEEL FOUNDRIES.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

It is ordered by the Court that this cause be, and the same is hereby set down for hearing January 26, 1915.

And afterwards, to-wit: On the twenty-sixth day of January, 1915, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

TUESDAY, January 26, 1915.

Court met pursuant to adjournment and was opened by proclamation of crier.

105 Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Julian W. Mack, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

2157.

THE TRI-CITY CENTRAL TRADES COUNCIL et al.

vs.

AMERICAN STEEL FOUNDRIES.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

Now this day come the parties by their counsel and this cause now comes on to be heard on the printed record and briefs of counsel and on oral argument by Mr. F. C. Smith, counsel for appellant, and by Mr. William E. Wheeler, counsel for appellee, and the Court having heard the same takes this matter under advisement.

At a Regular Term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held in the United States Court Room in the City of Chicago, in said Seventh Circuit, on the fifth day of October, 1915, of the October term in the year of our Lord one thousand nine hundred and fifteen, and of our Independence the one hundred and fortieth year.

And afterwards, to-wit: On the twenty-third day of May, 1916, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

106 TUESDAY, May 23, 1916.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Julian W. Mack, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Julian W. Mack, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.

2157.

THE TRI-CITY CENTRAL TRADES COUNCIL et al.

vs.

AMERICAN STEEL FOUNDRIES.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

It is ordered by the Court that this cause be re-argued and set down for hearing on June 8, 1916.

And afterwards, to-wit: On the eighth day of June, 1916, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:—

85

107 THURSDAY, June 8, 1916.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Christian E. Kohlsaat, Circuit Judge, presiding.
Hon. Julian W. Mack, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Hon. Arthur L. Sanborn, District Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Julian W. Mack, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.

2157.

TRI-CITY CENTRAL TRADES COUNCIL et al.

vs.

AMERICAN STEEL FOUNDRIES.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

Now this day come the parties by their counsel and this cause now comes on to be heard on the printed record and briefs of counsel and on oral argument by Mr. F. C. Smith, counsel for appellants, and by Mr. William E. Wheeler, counsel for appellee, and the Court having heard the same takes this matter under advisement.

At a regular term of the United States Circuit Court of Appeals for the Seventh Circuit, begun and held in the United States
108 Court Room in the City of Chicago, in said Seventh Circuit on the third day of October, 1916, of the October term in the year of our Lord one thousand nine hundred and sixteen and of our Independence the one hundred and forty-first year.

And afterwards, to-wit: On the sixth day of December, 1916, in the October term last aforesaid, there was filed in the office of the Clerk of this Court the Opinion of the Court, which said Opinion is in the words and figures following, to-wit:—

109 In the United States Circuit Court of Appeals for the Seventh Circuit, October Term and Session, 1915.

No. 2157.

THE TRI-CITY CENTRAL TRADES COUNCIL, HARRY MCKENNY, TED Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough and C. E. Gerlich, Appellants,

vs.

AMERICAN STEEL FOUNDRIES, Appellee.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

Before Mack, Alschuler and Evans, Circuit Judges.

Appellants, herein called defendants, appeal from the final decree entered in favor of appellee, herein called plaintiff, enjoining defendants as follows:

"It is further Ordered, Adjudged and Decreed by the Court that the said defendants, the Tri-City Central Trades Council, its officers and agents and Harry McKenny, Ted Ishmann, Earl Galloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Lamb, J. P. McDonough, and C. E. Gerlich and each of them and all persons combining with, acting in concert with or under their direction, control or advise, or under the direction, control or advise of any of them and all persons whomsoever, be and are hereby perpetually restrained and enjoined from in any way or manner whatsoever by use of persuasion, threats, or personal injury, intimidation, suggestion of danger or threats of violence of any kind, from interfering with, hindering, obstructing or stopping, any person engaged
110 in the employ of the American Steel Foundries in connection with its business or its foundry in the city of Granite City, County of Madison, State of Illinois, or elsewhere; and from interfering by persuasion, violence or threats of violence in any manner with any person desiring to be employed by said American Steel Foundries in its said foundry or plant; and from inducing or attempting to compel or induce by persuasion, threats, intimidation, force or violence or putting in fear or suggestion of danger any of the employes of the American Steel Foundries or persons seeking employment with it so as to cause them to refuse to perform any of their duties as employes of the American Steel Foundries; and from preventing any person by persuasion, threats, intimidation, force or violence, or suggestion of danger or violence, from entering into the employ of the said American Steel Foundries; and from protecting, aiding or assisting any person or persons in committing any of

said acts; and from assembling, loitering or congregating about or in proximity of the said plant or factory of the American Steel Foundries, for the purpose of doing, or aiding or encouraging others in doing, any of the said unlawful or forbidden acts or things; and from picketing or maintaining at or near the premises of the complainant, or on the streets leading to the premises of said complainant, any picket or pickets, and from doing any acts or things whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct, or interfere with said American Steel Foundries, its officers, agents or employes, in the free and unrestrained control and operation of its plant, foundry and property and the operation of its business; and also from ordering, directing, aiding, assisting or in any manner abetting any person committing any or either of the acts aforesaid; and also from entering upon the grounds, foundry or premises of the American Steel Foundries without first obtaining its consent; and from injuring or destroying any of the property of the American Steel Foundries."

Plaintiff instituted this suit to prevent alleged threatened injury to its business and threatened destruction of its manufacturing plant, located at Granite City, Illinois, claimed to be worth $1,000,000 which it alleges the Tri-City Trades Council, a labor organization, and other defendants, former employes of plaintiff or mem-
111 bers of the Council, were injuring and threating to destroy.

It alleges The Tri-City Trades Council attempted to force plaintiff to raise the wage paid its employes and to accomplish its object called a strike of plaintiff's employes. In the course of the strike picketing was resorted to, and the defendants sought the support of nonstriking and prospective employes. Plaintiff further claimed that its employes were assaulted by defendants and by those engaged in picketing the shops, and that prospective employes had been so intimidated by defendants that they refused to enter plaintiff's employment.

The gravamen of the plaintiff's bill is found in the following, therefrom:

"Your orator further represents that the said defendants have combined and conspired to prevent your orator from employing skilled laborers at its plant, although such skilled laborers and your orator have agreed upon terms of employment that are mutually agreeable and satisfactory; that in carrying out such combination and conspiracy the defendants began picketing said plant of your orator on or about April the 23rd, 1914; that the said defendants on April 23rd and since that time have caused various numbers of men or pickets, to wit: five to thirty men to be stationed adjacent to the main gate of your orator's said plant, which said pickets from that day until the present time have threatened to assault, mistreat and injure various of the employes of your orator unless said employes ceased from their work; that said defendants so combining did on April 29th, 1914 cause two of your orator's employes to be assaulted by said pickets," etc.

Defendants denied any and all acts of violence or assaults of

any nature. On the other hand, they claimed that strikebreakers attempted to shoot the striking employes, and were urged so to do by representatives of plaintiff.

Defendants also denied the existence of any unlawful conspiracy among them, but did admit:

"that said Tri-City Central Trades Council did place certain ones on certain streets and avenues leading to said plant charged with doing picket duty, but such ones were stationed 100 yards from such mill, and they were instructed to notify all persons who sought to enter the plant, that there was a strike on, because of such reduction in wages, and such pickets were instructed to use all honorable means to persuade such ones to not enter such plant, and not to
112 take the places of the laboring men, who had gone on a strike on account of such reduction of wages."

The District Judge in rendering his opinion said:

"This evidence clearly shows that this union, this trades council, by the testimony of its officers entered upon the work of preventing this complainant from getting men to run its factory, run its plant, except upon the condition that it pay a certain scale, the November scale. That combination was illegal."

Speaking of picketing he said:

"However, speaking upon this question, I should say a word about picketing. There is no such thing as peaceful picketing. You might as well talk about peaceful violence. You may as well think of peaceful war as peaceful picketing. Considerable experience in this position, and having these cases frequently before me, has taught me that there is no such thing as peaceful picketing."

Defendants attack the decree on three grounds:

(*a*) The evidence does not justify the issuance of any injunction.

(*b*) The restraining order is too broad and restrains defendants from doing lawful acts.

(*c*) The court is without jurisdiction, because the amount involved does not exceed $3,000.

EVANS, *Circuit Judge,* delivered the opinion of the court.

Defendants' claim that the court was without jurisdiction is without merit. The necessary diversity of citizenship appears. The amount involved exceeds $3,000. It was not necessary that $3,000 worth of property should be destroyed before the federal court acquired jurisdiction. The alleged threatened damage far exceeded the statutory sum necessary to give the district court jurisdiction.

Defendants contend that the evidence did not justify the court in granting any injunction. We are not able to say that the record presents a situation that did not warrant some action by the court. It is apparent that a situation had developed where fights had occurred and threats had been made which if carried out would have resulted in the destruction of property. The district judge heard and saw the witnesses, and we accept his conclusion that such evi-

dence justified the issuance of an injunction to restrain the defendants from the commission of certain unlawful acts.

113 But the court also enjoined the defendants

"from picketing or maintaining any picket or pickets on or about the streets leading to the premises of the plaintiff."

And the order continued,

"It is further ordered, * * * that the said defendants * * * be and are perpetually restrained and enjoined * * * from doing any acts or things whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct, or interfere with said American Steel Foundries, its officers, agents or employes in the free and unrestrained control and operation of its plant, foundry and property and the operation of its business; and also from ordering, directing, aiding, assisting or in any manner abetting any person committing any or either of the acts aforesaid."

The obvious effect and purpose of this decree was, among other things, to prevent all picketing by the defendants or others similarly interested, and to prevent these parties from persuading their fellow-employes to join them in their effort to secure what the strikers apparently considered the laborer's just demands.

In Iron Molders' Union 125 Milwaukee v. Allis-Chalmers Co., 166 Fed. 45, the rule is so well stated that we quote from it the following,

"The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain who are the men that their late employer has persuaded or is attempting to persuade to accept employment. Under the name of persuasion, duress may be used; but it is duress, not persuasion, that should be restrained and punished. In the guise of picketing, strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault. But from the evidence it can always be determined whether the efforts of the pickets are limited to getting into communication with the new men for the purpose of presenting arguments and appeals to their free judgments. Prohibitions of persuasion and picketing, as such, should not be included in the decree."

Labatt in his work on Master and Servant, Vol. 7, Pg. 8364, says,

"Attendance in the vicinity of the employer's place of busi-
114 ness for the purpose of obtaining information as to those at work there, or of communicating the information that a strike is in progress, to those who may resort for employment, is uniformly regarded as lawful even where the right to maintain pickets for the purpose of persuasion is denied."

The same writer further says,

"The preponderance of opinion is to the effect that attendance even in numbers, for the purpose of lawfully persuading others not to work, is permissible, so long as it is not carried on in such a manner as to intimidate persons at work, or seeking employment, or to subject them to undue annoyance, or to interfere with the free access to the employer's premises."

Further authorities in support of the rule laid down in the Iron Molders' Union v. Allis-Chalmers Co. case supra are, Gray v. Building Trades Council, 91 Minn. 171; Karges Furniture Co. v. A. W. Local Union, 165 Ind. 421; Everett v. Typo. Union, 105 Va. 188; In re Heffron, 179 Mo. App. 639; Jones v. Maher, 116 N. Y. Supp. 1126; Jones v. Van Winkle Gin & Mach. Works, 131 Ga. 336; Pope Motor Car Co. v. Keegan, 150 Fed. 148.

But it is contended that the decree in these respects was proper because,

(*a*) The restraining order does not prohibit picketing per se, but restrains defendants from carrying out an unlawful conspiracy to destroy plaintiff's business; that in order to prevent the defendants from accomplishing the unlawful object of the conspiracy, it was necessary for the court to restrain the defendants from picketing the plaintiff's works, and prohibit them from arguing their cause with plaintiff's employees.

(*b*) Defendants were not plaintiff's employes, but were mere outsiders, intermeddlers who were not truly representing the employers, but were trouble makers, fomenting strife and trouble where labor conditions and wages were entirely satisfactory to the employes.

Plaintiff's contention that a court may restrain lawful acts of striking employes when committed to carry out the purpose of an unlawful conspiracy to destroy the employer's business is supported by many authorities. Among them are Sailors' Union v. Hammond Lumber Co., 156 Fed. 450; In re Debs, 158 U. S. 564; Barnes v. Typo. Union, 232 Ill. 424; Karges v. Woodworkers' Union, supra.

If the record disclosed the existence of an unlawful con-
115 spiracy on the part of the defendants to injure or destroy plaintiff's property the court would be clearly justified in restraining lawful as well as unlawful acts committed in furtherance of such a conspiracy.

If the purpose of the undertaking complained of were purely and simply, or even primarily, interference with the plaintiff in the conduct of its business as alleged, no act, however innocent in itself, directed to that end can be said to have a lawful purpose for its doing. Indeed it may well be said that any act directed to that end is not a lawful act. If, on the other hand the object of the undertaking is lawful, then the acts calculated to effectuate the object do not necessarily become unlawful merely because they interfere with the plaintiff's conduct of its business.

The right to strike to secure higher wages and improved conditions of labor is too firmly established to necessitate further elucidation. From the record here we can reach no other conclusion than that the object of this strike was to secure for plaintiff's employes the November wage scale of the union. Nothing appears in the record to indicate that this was not in good faith, or to raise the suspicion that the strike was a mere cloak to cover a deliberate purpose to interfere with the plaintiff's conduct of its business, or to injure and destroy its business and property. The purpose being lawful, if unlawful means are used to effectuate it, such means cannot be made to reach back and taint the purpose itself with unlawfulness, and thus render unlawful all the acts in its furtherance.

In the pursuit of a lawful purpose to secure a raise in wages, picketing may be employed, as this court has held, to ascertain whom the late employer

"has persuaded or attempted to persuade to accept employment,"

and persuasion may be used to induce them to refuse or quit the employment. As stated further in the Allis-Chalmers case,

"The right of the one to persuade (but not coerce) the unemployed to accept certain terms is limited and conditioned by the right of the other to dissuade (but not restrain) them from accepting. * * * Molders, having struck, in order to make their strike effective may persuade (but not coerce) other molders not to work for less wages or under worse conditions than those for which they struck,
116 and not to work for their late employer at all, so that he may be forced to take them back into his foundry at their own terms."

Undoubtedly picketing and persuasion would interfere with plaintiff's conduct of its business in that it would make it more difficult for it to retain old employes and to hire and keep new ones. Indeed the very act of striking often seriously interferes with that "free and unrestrained control and operation of the employer's business" which the plaintiff here alleges as an object of the conspiracy charged; but the lawfulness or unlawfulness of the strike is not to be tested by such incidental effect of it. And so it is with persuasion and picketing, properly carried on in the interest of a lawful strike.

The laborer may be strictly within his rights although he obstructs "the free and unrestrained control and operation of the employer's business." The right to strike must carry with it by implication the right to interfere with the employer's business to a certain extent. The right to persuade prospective employes by legitimate argument must of necessity interfere with the employer's business. Where labor is essential to the successful conduct of a business any interference with that labor is an interference with the employer's business. But whether the interference with the business is lawful or unlawful depends upon the facts in each case.

The order in the instant case fails to recognize this difference between the lawful means of interfering with another's business as an incident to the party's own right and unlawful means adopted by the same party. Methods may be considered lawful even though the employer's business is interfered with because such methods are incidental to the right of the employee, which right should be and is recognized as equal to the right of the employer.

Plaintiff's further contention that the defendants were not its employes at the time of the strike, and therefore had no right to picket or persuade by argument those about to enter plaintiff's employment is not well taken. It is true a striker is not technically an employee. The relation of employer and employee is temporarily suspended during a strike. The situation has been described as

"A relationship between employer and employe that is neither that of a general employer and employe, nor that of employer and employe seeking work from them as strangers."

Neither strike nor lockout fully terminates during the strike the relationship between the parties.

117 Among the defendants in this case there were some former employees. Many of the plaintiff's employees at the time of the strike were members of the defendants' organization, the Tri-City Central Trades Council. These facts disprove the charge that the defendants were merely intermeddling in the affairs of a company in which they had no interest. Under these circumstances, it cannot be said that the labor organization was an intermeddler or that its course was contrary to the wishes of its members or the wishes of the plaintiff's employees.

In so far as the decree restrains all picketing and all persuasion and all interference with the plaintiff's free and unrestrained control of its plant and the operation of its business it transcends the limit of proper restraint, and should be modified so as to eliminate therefrom any restraint of defendants from doing lawful acts as indicated herein. The order of this court for the modification of the decree in the Allis-Chalmers case will afford sufficient and proper guidance for the modification of the decree herein.

The decree of the district court is reversed with direction to modify same, and to enter a decree, in accordance with the views herein expressed.

A true copy.

Teste:

____ ____,

Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

118 And afterwards, on the same day, to-wit: On the sixth day of December, 1916, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

WEDNESDAY, December 6, 1916.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Julian W. Mack, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.

2157.

THE TRI-CITY TRADES COUNCIL, HARRY MCKENNY, TED ISHMANN, Earl Halloway, William Thornberg, C. Thornberg, Tom Churchill, Clay Holmes, C. L. Burton, Eddie Roach, John Aldridge, Isaac Cook, Benj. F. Landis, J. P. McDonough and C. E. Gerlich.

vs.

AMERICAN STEEL FOUNDRIES.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Illinois, Southern Division, and was argued by counsel.

On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby reversed with costs;
119 and that this cause be, and the same is hereby remanded to the said District Court with direction to modify same, and to enter a decree in accordance with the views expressed in the opinion of this Court.

And afterwards, to-wit: On the third day of January, 1917, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Petition for a Rehearing, which said Petition for Rehearing is not copied here nor made a part of this record.

And afterwards, to-wit: On the twentieth day of January, 1917, in the October term last aforesaid, there was filed in the office of the

Clerk of this Court a certain Answer to the Petition for Rehearing, which said Answer is not copied here nor made a part of this record.

And afterwards, on the same day, to-wit: On the twentieth day of January ,1917, in the October term last aforesaid, there was filed in the office of the Clerk of this Court a certain Proof of Service of Answer to Petition for Rehearing, which said Proof of Service is not copied here nor made a part of this record.

And afterwards, to-wit: On the twenty-fourth day of January, 1917, in the October term last aforesaid, the following further proceedings were had and entered of record, to-wit:

120 WEDNESDAY, January 24, 1917.

Court met pursuant to adjournment and was opened by proclamation of crier.

Present:

Hon. Francis E. Baker, Circuit Judge, presiding.
Hon. Christian C. Kohlsaat, Circuit Judge.
Hon. Julian W. Mack, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.
Edward M. Holloway, Clerk.
John J. Bradley, Marshal.

Before:

Hon. Julian W. Mack, Circuit Judge.
Hon. Samuel Alschuler, Circuit Judge.
Hon. Evan A. Evans, Circuit Judge.

THE TRI-CITY TRADES COUNCIL et al.

vs.

AMERICAN STEEL FOUNDRIES.

Appeal from the District Court of the United States for the Southern District of Illinois, Southern Division.

It is ordered by the Court that the petition for a rehearing in this cause be, and the same is hereby denied.

121 United States Circuit Court of Appeals for the Seventh Circuit.

I, Edward M. Holloway, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing typewritten and printed pages, numbered from 1 to 19, inclusive, contain a true copy of the proceedings had and papers filed (except the briefs of counsel and stipulation relating thereto, the Petition for Rehearing, the Answer to the Petition for Rehearing, and the Proof

of Service of Answer) in the case of The Tri-City Central Trades Council et al. vs. American Steel Foundries, No. 2157, October Term, 1913, as the same remains upon the files and records of the United States Circuit Court of Appeals for the Seventh Circuit.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this twenty-sixth day of February, A. D. 1917.

[Seal United States Circuit Court of Appeals, Seventh Circuit.]

EDWARD M. HOLLOWAY,
Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

122 UNITED STATES OF AMERICA, *ss:*

[Seal of the Supreme Court of the United States.]

The President of the United States of America, to the Honorable the Judges of the United States Circuit Court of Appeals for the Seventh Circuit, Greeting:

Being informed that there is now pending before you a suit in which The Tri-City Trades Council et al. are appellants, and American Steel Foundries is appellee, No. 2157, which suit was removed into the said Circuit Court of Appeals by virtue of an appeal from the District Court of the United States for the Southern District of Illinois, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said Circuit Court of Appeals and removed into the Supreme
123 Court of the United States, do hereby command you that you send without delay to the said Supreme Court, as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable Edward D. White, Chief Justice of the United States, the nineteenth day of January, ——, in the year of our Lord one thousand nine hundred and eighteen.

JAMES D. MAHER,
Clerk of the Supreme Court of the United States.

124 United States Circuit Court of Appeals for the Seventh Circuit.

No. 2,157.

TRI-CITY CENTRAL TRADES COUNCIL et al., Appellants,

vs.

AMERICAN STEEL FOUNDRIES, Appellees.

It is hereby stipulated and agreed that the certified copy of the record, with the petition for writ of certiorari, on file in the Supreme

Court, may be taken as the return by the Clerk of the Circuit Court of Appeals to the writ of certiorari, and that the Clerk may return a certified copy of this stipulation in lieu of another record.

FRANK C. SMITH,
Counsel for Appellants (Respondent).
PAM & HURD,
Counsel for Appellees (Petitioner).

Endorsed: Filed Feb. 4, 1918. Edward M. Holloway, Clerk.

125 UNITED STATES OF AMERICA,
Seventh Circuit, ss:

In obedience to the command of the foregoing writ of certiorari and in pursuance of the stipulation of the parties, a full copy of which is hereto attached, I do hereby certify and return that the transcript of the record filed with the application to the Supreme Court of the United States for a writ of certiorari in the case of Tri-City Central Trades Council et al., appellants, vs. American Steel Foundries, Appellee, is a full, true and complete transcript of the record upon which said cause was heard in the United States Circuit Court of Appeals for the Seventh Circuit, together with all proceedings in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this twentieth day of February, A. D. 1918.

[Seal United States Circuit Court of Appeals, Seventh Circuit.]

EDWARD M. HOLLOWAY,
Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

[Endorsed:] File No. 25,809. Supreme Court of the United States, No. 432. October Term, 1917. American Steel Foundries vs. The Tri-City Central Trades Council et al. Writ of certiorari. Filed Feb. 4, 1918. Edward M. Holloway, Clerk.

126 [Endorsed:] File No. 25,809. Supreme Court U. S. October Term, 1917. Term No. 432. American Steel Foundries, Petitioner, vs. The Tri-City Central Trades Council et al. Writ of certiorari and return. Filed February 28, 1918.